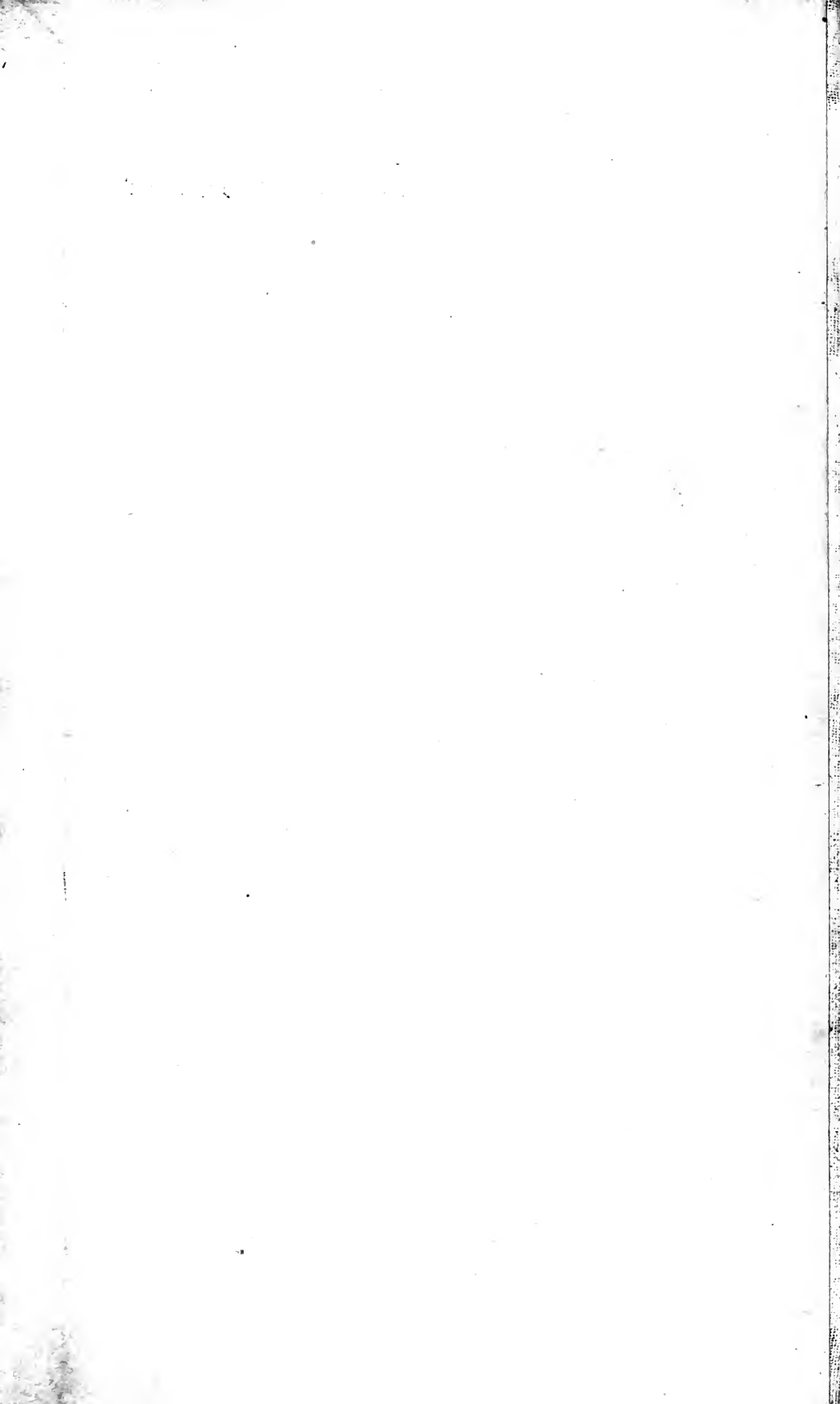


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# THE ENGLISH HISTORICAL REVIEW

EDITED BY

G. N. CLARK, M.A.

FELLOW OF ORIEL COLLEGE, OXFORD, AND FORMERLY FELLOW OF ALL SOULS COLLEGE

VOLUME XXXVI

1921



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LONGMANS, GREEN AND CO.

39 PATERNOSTER ROW, LONDON  
NEW YORK, BOMBAY AND CALCUTTA

1921

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PRINTED AT OXFORD, ENGLAND  
BY FREDERICK HALL  
PRINTER TO THE UNIVERSITY

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# THE ENGLISH HISTORICAL REVIEW

NO. CXLI.—JANUARY 1921 \*

## *The Beginnings of the English Historical Review*

**F**IFTEEN years ago, on 15 December 1905, Mr. R. L. Poole was entertained at a dinner in the hall of Balliol College to celebrate the completion of twenty years of this Review. In a speech in reply to the principal toast, he described the origin of the Review and its history up to that time, and, now that his long and distinguished editorship has come to an end, he has consented to the publication of part of this speech. It has been thought best to omit the more intimate and personal passages, but, except for a small addition to one of the quotations, the account of the beginnings which here follows is otherwise the same that was then given. The sketch of the history after the publication of the first number has not been added, because it would now appear only as an incomplete fragment. In the course of the speech, Mr. Poole said: 'We have published eighty numbers of the Review. . . . Of these Mr. Creighton was editor of twenty-two, Mr. Gardiner of fourteen, Mr. Gardiner and I were jointly responsible for twenty-five; and I by myself can only take credit for seventeen.' Now the last figure would have to be raised to seventy-nine. G. N. C.

As I began by saying, I want to speak not of myself but of the Review, for that is the real subject which we are celebrating, though it has to use me as a mouthpiece. I am going to ask you to listen while I tell you how the Review came into existence. And I take this opportunity of doing so, because although Mrs. Creighton in her admirable *Life of our first Editor* has told us a great deal about the early history of the Review after it was founded, what led to its foundation has never been fully related, though there are large materials for the history of

a similar scheme, which never was actually carried out, to be found in the letters of John Richard Green.

The idea of establishing an Historical Review goes back a great number of years. In fact, it is at least thirty-nine years old, though our Review is only twenty. On 28 January 1867 J. R. Green wrote to Freeman from his vicarage at Stepney :

Hunt is here.<sup>1</sup> . . . Much of our chat turned on a scheme Hunt and I thought we had hit out together, but which (it seems) Bryce had anticipated—the starting of a purely Historical Review. He had consulted Macmillan, who believed it would certainly succeed, but recommended the form to be an annual volume like the Oxford Essays. This, however, is not Bryce's view; he would prefer a quarterly; for my own part I believe in a shilling monthly. . . . He had spoken to Stubbs, and Stubbs was warm in support. He thought of Stubbs as editor.<sup>2</sup>

Nearly two years later we hear of the subject again in Green's letters. But now Mr. Macmillan was less sanguine.

'The new organization of the *North British*, with its wonderfully good summary of the historical literature of the quarter, and the appearance of the *Academy*,' Green confessed, 'certainly cut into our original plan. . . . It is far too big a job to begin without clearly seeing one's way.'<sup>3</sup>

Those were the days when the *Academy* was a paper written by scholars for scholars; and the *North British Review* was vigorously supported by Lord Acton, who contributed twenty-five reviews to the current number (October 1869) at the date of Green's letter. It is curious to think that a stumbling-block should have been unconsciously placed in the way of the original Historical Review by the man who was one of the foremost to promote the success of our Review sixteen years later. After an interval of more than two years, in April 1872, the Historical Review seemed to be really taking shape. Green hoped that Mr. Bryce would take the editorship,<sup>4</sup> but there were differences of opinion as to the exact character which the Review should assume.

Then after the lapse of four years (15 June 1876) Green wrote a long and most interesting letter to Macmillan on the various schemes proposed, in which he declared his conviction that 'none of the projects which have as yet been suggested is likely to command a practical success'. I need not go into the particulars of these various proposals, whether the Review was to be strictly scientific; or part scientific, part popular; or again part political. But it is clear that Green was definitely asked to edit the Review and that he declined.<sup>5</sup> From that date, June 1876, to 1885 I have no knowledge as to whether any progress was made with the scheme. But I think that there

<sup>1</sup> Dr. William Hunt and Mr. (now Viscount) Bryce were both present at the dinner in 1905.

<sup>2</sup> *Letters of John Richard Green*, pp. 172-3.

<sup>3</sup> *Ibid.* p. 234.

<sup>4</sup> *Ibid.* p. 317.

<sup>5</sup> *Ibid.* pp. 433-7.



can be no doubt that it was in Mr. Bryce's mind all along ; and that he talked the matter over with Mr. York Powell. It was, I feel sure, through Powell that the existing Review, of which we are keeping the feast, was in fact established. Early in 1885 there were several gatherings of a few friends here in Oxford—they were too informal to be called meetings—in which the subject was discussed. The names which I recall in connexion with them are those of Powell, Round, Tout, Firth, and Archer. . . . We drew up a general scheme, and we agreed to invite Mr. Bryce to undertake the duties of editor. We had nothing to offer except a promise that we would endeavour to raise a sustentation fund and a list of subscribers to keep the Review going. In the Easter vacation Powell had a long talk with Mr. Bryce. As we had feared at the outset, Mr. Bryce's public engagements precluded him from accepting our invitation ; he recommended us to ask in his stead Mr. Creighton, who had then lately come back from Northumberland to occupy the chair of ecclesiastical history at Cambridge. Mr. Bryce also made a point of our asking an American historian to act as Corresponding Editor in the United States. As I shall not have occasion to refer to this again I may mention that the late Dr. Justin Winsor, librarian of Harvard, most kindly undertook this duty, and gave us his valuable services for a number of years. When he died, it was not considered necessary to continue the office. The appearance of the *American Historical Review*, with which we have always been on the most friendly terms, in fact, rendered it needless.

But to resume : at Mr. Bryce's advice, we turned to Mr. Creighton. Powell wrote him a letter in which he expressed his hope that he might be persuaded to become our editor. I well remember the letter, because it was written in my house. Partly in order to show Mr. Creighton that the duties which we asked of him would not be too burdensome, and partly, too, in order that the Review might have a definite connexion with Oxford, Powell laid stress on our wish that he should have an assistant here to do the rough work of the Review, and he mentioned my name as a suitable person for the job. Why I was chosen I do not really know. Certainly no one believed that I was specially qualified on historical grounds. But it was supposed that I was fairly business-like, and I had at least the merit of writing a legible hand. This was the proposal which was made to Mr. Creighton. He accepted it without demur. But he made one important change in the practical carrying out of the scheme. He rejected the idea of subscribers, and went straight to Mr. Longman and asked him to persuade his firm to take up the enterprise. Some of us may have regretted that

by this change the originators of the Review lost any power of control in its management ; but we had confidence in Mr. Creighton, and we gained the indispensable advantage of appearing before the world with the prestige of the name of one of the greatest English publishing houses.

The next stage in the history of the Review was reached on 1 May, when Mr. Creighton came over to preach the St. Philip and St. James's university sermon at Merton. Mr. Powell asked me to meet him at lunch in his old rooms in Canterbury quadrangle ; and there I made my editor's acquaintance. We spent the afternoon in drawing up a prospectus and in arranging a list of persons to whom it should be sent out. I still have a proof of that prospectus with corrections and additions in Mr. Bryce's handwriting. I also possess the answers which I received to the letters inviting support, and in turning them over recently I have been astonished at the widespread interest which our undertaking called forth.

By July we were ready for action, and on the 15th of that month Mr. Bryce—the godfather of our enterprise—invited a small company to dine with him in Bryanston Square. Of those who were present I may mention Lord Acton, Dean Church, Mr. Creighton, Mr. Richard Garnett, Dr. Ward, Robertson Smith, and York Powell. . . . We spent a long evening settling the general policy of the Review—I say 'we', though I of course only acted as a sort of secretary. The whole plan was settled and approved, and the way was clear for publication in the following January.

You have read in Creighton's Life the account of our editor's labours in bringing out the first number. He had articles ready from the late Provost of Oriel, Freeman, and Seeley. But Lord Acton's article was late in arriving, and the last article, which is now known to have been written by Mr. Thursfield, was delayed in consequence of the difficulty in getting permission to print some private letters. Then there was a preface to be written, and Mr. Creighton in despair told me to write one. This I did, but happily before my preface arrived, another one was sent by Mr. Bryce, and that of course is the anonymous preface which opens our first volume. But the manuscript only reached the editor on 20 December, and the whole number had to be settled after that date. The first proof of Lord Acton's article did not appear until the 23rd. At last Mr. Creighton went up to London and occupied Messrs. Spottiswoode's office until the number was finished. He appealed to Mr. Longman to allow him an extra sheet ; but Mr. Longman like a wise man sat firm. The number duly came out. *The Times* gave it a leading article, and we were fairly started on our way.

## *The 'Alimenta' of Nerva and his Successors*

IN his *History of European Morals*, the late Professor Lecky called attention to the growth of a more humane spirit in Rome in the second century after Christ. This spirit may be seen in private and municipal life, and above all in the policy of benevolent intervention adopted by the emperors who ruled during that period. Among other examples of state action, the alimentary grants ('alimenta') made to poor children throughout Italy deserve special attention. The aim of this paper is to give in short form the main evidence bearing on the establishment and administration of the alimentary funds, to suggest some conclusions as to the character of the institution, and to indicate the probable causes of its discontinuance.

Under a system which had grown up in the later days of the republic, great numbers of the Roman populace were already receiving regular state assistance, in the form of corn doles ('frumentationes'). Further gifts of wine, oil, and money ('congiaria') were frequently added at irregular periods; and to these latter distributions at any rate children had been admitted by Augustus.<sup>1</sup> Outside Rome, there was little direct distribution of corn, and such assistance as was given to the poor was provided by the municipalities. Under Nerva a distinctly new departure was made with the establishment of maintenance grants ('alimenta'). Evidence as to this extension of imperial munificence is supplied by Aurelius Victor, an epitomist of the fourth century, who writes of Nerva, 'puellas puerosque natos parentibus egestosis sumptu publico per Italiae oppida ali iussit'.<sup>2</sup> The phrase 'per oppida Italiae' is significant. Previously children had indeed been assisted, but in Rome only. It would seem from the evidence of inscriptions that in another sense also a new development was taking place, namely that the new 'alimenta' were regarded as the gifts made

<sup>1</sup> 'Congiaria populo frequenter dedit. . . . Ac ne minores quidem pueros praeterit, quamvis non nisi ab undecimo aetatis anno accipere consuissent': Suetonius, *Augustus*, 41. τῶ τε δήμῳ καθ' ἑκατὸν δραχμάς, προτέροις μὲν τοῖς ἐς ἄνδρας τελοῦσιν, ἔπειτα δὲ καὶ τοῖς παισὶ . . . διένειμε: Dio Cassius, li. 21. 3.

<sup>2</sup> *Epitome*, 12.

by the emperor to a class in peculiar need of assistance ; whereas the 'frumentationes' could be considered as the share due to each citizen from the corn bought with state funds, or furnished as tribute. Both methods henceforth dealt with the relief of the poor, but in Rome alone was there any close connexion between them ; for in Rome administrative machinery for the distribution of corn doles already existed, whereas in the cities of Italy there was as yet no system of poor relief. This is no doubt the reason why 'pueri alimentarii' or 'magistratus alimentarii' are never mentioned on inscriptions and coins referring to Rome itself, although such phrases occur frequently in the records of public assistance in other parts of Italy.

The measures of Nerva were evidently of a kind which would appeal to popular sentiment ; for we know that they were thought an adequate excuse for the production of memorial coins. One of these<sup>1</sup> has come down to modern times, and shows the emperor sitting on the curule chair, stretching his right hand towards a boy and girl, while a woman stands near by ; accompanying the figures are the words 'Tutela Italiae'. A similar design appears on coins of Trajan ; and it is interesting to note that a coin of Pope Innocent XII<sup>2</sup> is of a very similar type, and commemorates an endowment not unlike those of fifteen hundred years before. Nerva's policy was continued and developed by his successor, by whom the institution of maintenance grants was put upon a firm basis. In the annals of Dio Cassius, we read of Trajan that

on his entrance into Rome, the Emperor carried out many reforms for the amelioration of the commonwealth and the gratification of the well-affected ; he took especial thought to prove his goodwill also to the cities of Italy in regard to the maintenance of the children.<sup>3</sup>

The truth of this statement is confirmed, and much additional information is supplied, by important inscriptions<sup>4</sup> which have come to light at various places during the last two hundred years. Chief among these are the famous 'Tabula Veleias',<sup>5</sup> discovered

<sup>1</sup> Eckhel, *Doctrina Numorum Veterum*, vi. 407.

<sup>2</sup> In the Browning Collection, Balliol College Library, Oxford.

<sup>3</sup> Dio Cassius, lxxviii. 5.

<sup>4</sup> These have been collected by Ruggiero, *Dizionario Epigr.* i. 402.

<sup>5</sup> *Corpus Inscriptionum Latinarum*, xi. 1147. The preamble runs : 'Obligatio praediorum ob HS deciens quadraginta quattuor milia, ut ex indulgentia optimi maximique principis Imp. Caes. Nervae Traiani Aug. Germanici Dacici pueri puellae alimenta accipiant, legitimi n(umero) CCXLV in singulos HS XVI n(umum), f(iunt) HS XLVII XL, legitimae n(umero) XXXIV, sing(ulae) HS XII n(umum), f(iunt) HS IV DCCCXCVI, spurii I HS CXLIV, spuria I HS CXX. Summa HS LII CC, quae fit usura — (i.e. 5 per cent.) sortis supra scriptae.' Then follows a list of the estates mortgaged, valued at a sum at least ten times as much as the sum received. As an appendix to the main inscription is added another list called the 'obligatio praediorum facta per Cornelium Gallicanum ob HS LXXII'. The interest on this

in 1747 at Veleia near Placentia, and the 'Tabula Ligurum Baebianorum',<sup>1</sup> discovered in 1832 near Beneventum. Both these inscriptions are lists of estates on which mortgages had been arranged, the capital being provided by Trajan, and the interest going to the maintenance of children in the vicinity. The emperor's purpose was clearly to invest money in such a way that a steady and permanent income should be forthcoming, for the assistance both of present and future generations.<sup>2</sup> No mention is made of any term of years; and it has, therefore, been concluded that Trajan did not intend even to call in the principal. If this was the case, and if, as seems probable,<sup>3</sup> only a low rate of interest was charged, the arrangement would benefit the landowners hardly less than the families assisted. Probably, therefore, among the other motives of the emperor, we must reckon a desire to help small landowners.<sup>4</sup>

The fullest literary reference to Trajan's policy of assisting poor children is found in the famous *Panegyricus*,<sup>5</sup> pronounced in his honour by Pliny in A.D. 100. In this address, which is marked by rhetorical adulation rather than clearness of statement, Pliny describes the throngs of children brought by their parents to greet Trajan on his first entry into Rome. The word 'alimenta' is used again and again, but as there is no mention of children living outside Rome, it is now generally held<sup>6</sup> that Pliny is referring to gifts made by the emperor in Rome before

sum will provide *alimenta* for eighteen boys, at 16 sesterces a month, and one girl, at 12 sesterces.

<sup>1</sup> *Corpus Inscript. Latin.* ix. 1455.

<sup>2</sup> Pliny the Younger (*Epistula*, vii. 18), describing his own alimentary endowment at Comum, says: 'In order to raise 500,000 sesterces, which I had promised for the maintenance of free-born children, I put into the hands of the public agent a piece of land worth a far larger sum; this same property I received back again, after the imposition of a rent, engaging myself to pay 30,000 sesterces a year.'

<sup>3</sup> The rate was only 5 per cent., instead of the 12 per cent. which was usual; and as the interest was reckoned on a sum only one-tenth or one-twelfth of the value of the property, the amount paid each year was trifling in proportion to the real value of the land. Pliny evidently thought his property would be only lightly burdened, for he says (*loc. cit.*), 'the land, greatly exceeding in value the rent-charge, will always find a tenant to cultivate it'. The rate of interest, in this instance, was 6 per cent.

<sup>4</sup> Careful examination has shown that the emperor made at least three assignments of money at Veleia, and at least ten among the Ligures. Certain early critics assumed that alimentary funds were instituted in all the municipalities in one year. In this they were clearly wrong. See Henzen's article on the 'alimenta' in *Annali dell'Institut.*, 1844. Mommsen (on the Tabula Baebiana, *Corpus Inscript. Latin.* ix. 1455, and *Staatsrecht*, ii. 3. 1079) suggests that Trajan made assignments of money at frequent intervals, perhaps of six months, during the first part of his reign. Mommsen is followed by Henzen and Marquardt, *Staatsverwaltung*, ii. 2. 141.

<sup>5</sup> Pliny, *Panegyricus*, 26-8.

<sup>6</sup> See Hirschfeld's article on 'Die Getreideverwaltung in der römischen Kaiserzeit' in *Philologus*, xxx, 1870. Sauppe, on the other hand (*Philologus*, xxx), argues that the *Panegyric* does refer to the Italian alimentary grants, and is proof of their early date.

the new measures in Italy were carried into effect. The main significance of the passage lies in the motive which it emphasizes; for Pliny plainly tells the emperor that his generous policy towards the children will lead to an increase in the number of children born; he speaks strongly in favour of such a policy: 'nullum est enim magno principe . . . impendii genus dignius quam quod erogatur in posteros;'<sup>1</sup> and again: 'bonus princeps . . . fiducia sui procreatos nisi larga manu fovet . . . occasum imperii, occasum reipublicae accelerat.'<sup>2</sup> Later, in the same connexion, Pliny touches upon the constant need of recruits for the army, saying: 'Hi subsidium bellorum, ornamentum pacis, publicis sumptibus aluntur. . . . Ex his castra, ex his tribus replebuntur.'<sup>3</sup> Thus it is clear that the establishment of maintenance grants was not merely a philanthropic measure, but formed part of a deliberate attempt to increase the population of Italy.<sup>4</sup>

To return to the evidence of inscriptions. Further records of alimentary grants have been found at Ameria in Central Italy, Auximum in Umbria, and Terracina on the Latin coast.<sup>5</sup> Although these give little more than the names and titles of the emperor, and are a mere formal record of the gratitude of the townspeople, they are important as proving how widely the grants extended. Two coins,<sup>6</sup> belonging to the years 104 and 112, and similar in type to that struck in the time of Nerva, bear the words 'Alim[enta] Ital[iae]'. Since all such dates as can be fixed fall between 100 and 112, it is generally assumed that most of the endowments were made during this period. Such later endowments as are mentioned by the historians were apparently made on exceptional occasions and intended to commemorate some special event. Of the alimentary measures of Hadrian, Trajan's successor, very little is known. There is only one literary reference. The historian Spartianus, writing about a century and a half later, records that the emperor 'pueris ac puellis, quibus etiam Traianus alimenta detulerat, incrementum adiecit'.<sup>7</sup> The exact interpretation of these words is doubtful. The jurist Ulpian, who died in 228, tells us that Hadrian ordained that boys should receive grants until they reached the age of eighteen, and girls

<sup>1</sup> *Panegyricus*, 26. 3.

<sup>2</sup> 26. 5.

<sup>3</sup> 28. 2. Pliny elsewhere uses the phrase 'alimenta de tuo', i.e. from the fiscus, which was the emperor's private treasury, although derived from public sources. This is not inconsistent with the phrase 'publicis sumptibus', or the 'sumptu publico' of Aurelius Victor—see above, p. 5.

<sup>4</sup> Cf. *Corpus Inscript. Latin.* vi. 1492, an inscription in which the people of Ferentum refer to the 'cura alimentaria' as a means by which Trajan 'aeternitati Italiae suae prospexit'.

<sup>5</sup> *Ibid.* x. 4351, ix. 5825, and x. 6310.

<sup>6</sup> Cohen, ii. 2. 18, and ii. 35, 51.

<sup>7</sup> *Hadrian*, 7.

till fourteen.<sup>1</sup> It has, therefore, been suggested that the words of Spartianus refer to an extension of the age limit. A further establishment of maintenance grants, this time to girls only, was made by Antoninus Pius, in honour of the Empress Faustina upon her death.<sup>2</sup> This is perhaps one of the first occasions on which an endowment for the assistance of the poor was made by a husband in memory of his wife. The testimony of Capitolinus—an historian of the third century whose authority is none of the best—is confirmed by the discovery of a coin, bearing the inscription 'Puellae Faustinianae', and showing the emperor surrounded by a group of his beneficiaries.<sup>3</sup> Three other coins have no inscription, but suggest by their types that further grants were made in the years 151, 160, and 161.

About this time the young people benefiting by the imperial generosity—or the public authorities in their name—began to put on record their gratitude to their patron. An inscription of this sort was erected by the 'pueri et puellae alimentarii' of Cupra Montana. Another comes from Urbinum, and a third from Sentinum,<sup>4</sup> sixteen miles away. Marcus Aurelius also showed an interest in the maintenance grants, for Capitolinus relates<sup>5</sup> that on the occasion of the marriage of Verus to the emperor's daughter, Lucilla, fresh names were added to the lists. Further, in 173, Marcus enrolled 'novas puellas Faustianas', in honour of his wife, the younger Faustina, who had died two years before. Elsewhere Capitolinus tells us that Marcus 'carried out many wise reforms in regard to the public food doles', but what these reforms were he does not relate. An inscription put up in 162 by the 'pueri et puellae alimentarii Ficolensium' is dedicated 'Optimo et indulgentissimo principi'.<sup>6</sup>

The next literary evidence to the institution belongs to the reign of Pertinax, and shows us that the alimentary funds did not long remain secure. For Capitolinus, writing of the year 193, only about thirty years after the dedication just mentioned, tells us that this emperor 'alimentaria etiam compendia, quae novem annorum ex instituto Traiani debebantur, obdurata verecundia, sustulit.'<sup>7</sup> Only one more foundation is recorded.<sup>8</sup>

<sup>1</sup> *Digest*, xxxiv.

<sup>2</sup> 'Puellas alimentarias in honorem Faustinae Faustianas constituit': Capitolinus, 8.

<sup>3</sup> Eckhel, vii. 40; see also vii. 48.

<sup>4</sup> *Corpus Inscript. Latin.* ix. 5700, xi. 5957, xi. 6002.

<sup>5</sup> 'Ob hanc coniunctionem pueros et puellas novorum nominum frumentariae perceptioni adscribi praeceperunt,' Capitolinus, *Marcus Aurelius*, 7; 'novas puellas Faustianas instituit in honorem uxoris mortuae,' 26; 'de alimentis publicis multa prudenter invenit,' 11.

<sup>6</sup> *Corpus Inscript. Latin.* xiv. 4003.

<sup>7</sup> *Pertinax*, 9.

<sup>8</sup> 'Puellas et pueros, quemadmodum Antoninus Faustianas instituerat, Mammaeas et Mammaeanos instituit': Lampridius, *Alex. Sev.* 7.

In the reign of Alexander Severus, some forty years later, the emperor, moved no doubt by the example of the Antonines, made a new enrolment of children, in honour of his mother Mammaea. In thus connecting a charitable institution with the names of ladies of the imperial household, the later emperors seem to emphasize the philanthropic rather than political purpose of their grants; and we must distinguish these later endowments, which were probably on quite a small scale, from the organized poor relief of Trajan. The 'puellae Faustinianae' or 'Mammaeanae' were in very much the same position as those children who benefited by the private alimentary endowments,<sup>1</sup> which we know existed in a considerable number of Italian and provincial towns. The 'state-aided' children were no doubt many more in number, if we may judge from the many inscriptions which tell of 'magistratus alimentarii' of high official standing. This brings us to the question of the administration.

In the inscription from Veleia, we read of two men, C. Cornelius Gallicanus and T. Pomponius Bassus, who were entrusted with the investment of the money. We know from other sources that both Gallicanus<sup>2</sup> and Bassus were men of consular rank, who had already attained to positions of some dignity. Bassus had wide provincial experiences, having served as legate in Asia, Cappadocia, and Galatia. An interesting inscription from Ferentinum,<sup>3</sup> a little town in Latium, throws light upon his administration of the 'alimenta' in that district. Recording his adoption as patron of their town, the Ferentini say:

Inasmuch as all have declared that T. Pomponius Bassus, in accordance with his generous nature, has carried out the task committed to his charge by our most beneficent emperor . . . (aiming therein at the everlasting prosperity of his country Italy) in such a way that all ages owe thanks to his administration; and inasmuch as a man of so deservedly high reputation would be of service to our town . . . it has pleased the conscript fathers that envoys . . . be dispatched to Pomponius Bassus, to beg him to deign to take our municipality into the patronage of his most noble house. . . .

<sup>1</sup> The private endowments do not strictly fall within the scope of this paper; but the inscriptions recording them are of very great interest, both for their own sake and as throwing light upon the imperial scheme. The most important are: *Corpus Inscript. Latin.* x. 5056, from Atina (in Italy)—this dates from time of Augustus; ii. 1174, from Hispalis (in Spain); viii. 1641, from Sicca (in Africa); viii. 980, from Curubis (in Africa); x. 6328, from Terracina (in Italy); xi. 1602, from Florentia (in Italy); xiv. 350, from Ostia (in Italy); v. 5262, from Comum (in Italy). The last records the endowment of Pliny. See above, p. 7, n. 2.

<sup>2</sup> Cornelius Gallicanus, legate in Narbonensis, A.D. 83 (*Corpus Inscript. Latin.* xii. 2602).

<sup>3</sup> Pomponius Bassus, adopted as patron of the Ferentini, A.D. 101 or 102 (*Corpus Inscript. Latin.* vi. 1492).



In a letter of Pliny,<sup>1</sup> we hear of Bassus as a man who had 'held the highest magistracies, controlled armies, and devoted himself entirely to the service of the state'. It is surely not rash to conclude that such a leading man would not have been asked to undertake the investment of the money, unless the scheme had from the beginning been one of some magnitude. Apparently Bassus and Gallicanus, and a third commissioner whose name is not given, had no official title, but were 'extra ordinem' in the sense that a definite hierarchy of alimentary officials had not yet been constituted. That such a hierarchy was soon formed is proved by the large number of inscriptions which refer to 'magistratus alimentarii',<sup>2</sup> and extend to every part of Italy. These fall into two classes, the imperial officials, and those appointed by the municipalities. How the work was divided must be left to the imagination, but we may assume that most of the executive work, in this as in other spheres of public service, was in the hands of the local authorities.

Among imperial offices, that of the 'praefectus alimentorum' ranked highest. More than a dozen inscriptions point to a close connexion between the alimentary administration and the 'curae viarum'.<sup>3</sup> Apparently under Hadrian and Antoninus Pius the district marked out for both purposes was the same, and both branches of the public service were entrusted to one man, an official of praetorian rank. Distinct from the prefects over a specified district are those officials who had the title 'praefectus alimentorum' without any local limitation. The individuals mentioned are, without exception, of consular rank.<sup>4</sup> The inscriptions which refer to them appear at the end of the reign of Marcus Aurelius, and continue for only about forty years. During this period there are no inscriptions referring to district prefectures. Hirschfeld has, therefore, suggested that an attempt was made to centralize the administration, but that the earlier method was returned to again under Macrinus.<sup>5</sup> Next in rank to the prefects

<sup>1</sup> *Epistle*, iv. 23.

<sup>2</sup> The administration of the *alimenta* is discussed by Hirschfeld in *Die kaiserlichen Verwaltungsbeamten*, pp. 212 f. See also Ruggiero, *Diz. Epigr.* i. 402, and Mommsen, *Staatsrecht*, ii. 2. 949, and *Hermes*, iii. 124.

<sup>3</sup> e.g. *Corpus Inscript. Latin.* ii. 4510 'curator viae Flam. praefectus alimentorum'; *ibid.* vi. 1509 'curator viae Salariae et alimentorum'. Orelli, *Inscript. Latin. Select. Collect.* 3935 'praefectus alimentorum per Aemiliam'. *Corpus Inscript. Latin.* xi. 6338, shows how closely (and incorrectly) titles were combined, 'cur. viae et praefectus aliment. Clodiae et cohaerent'. Inscriptions prove that the 'cura alimentorum' was combined with the charge of the following roads: Aemilia, Appia, Clodia, Flaminia, Tiburtina, Valeria, Salaria.

<sup>4</sup> *Ibid.* v. 7783, x. 3805, xiv. 3609. Spartianus, *Life of Didius Julianus*, 1-2, says: 'consulatum meruit, testimonio imperatoris; Catos etiam debellavit; inde Dalmatiam regendam accepit. . . post Germaniam inferiorem rexit; post hoc curam alimentorum in Italia meruit.' Cf. Capitolinus, *Life of Pertinax*, 3-4.

<sup>5</sup> Hirschfeld (*loc. cit.*) connects this centralization with the establishment by

come the 'procuratores alimentorum',<sup>1</sup> who either took the place of the prefects in districts where there was no important road, or, in the case of the Flaminian and Aemilian districts, were appointed in addition to the prefect. The names and titles recorded are quite enough to prove that we are dealing not with a small or localized effort at poor relief, but rather with a widely extended scheme, based upon deliberate policy, such as could be applied to all parts of Italy, and yet could be controlled by central authorities. Among municipal offices, as distinct from imperial, the 'quaestura alimentorum' ranks unexpectedly high. In many cases it was the last stage in a man's municipal career before reaching the highest office, that of the 'duumviratus iuridicundo'; in other cases the alimentary quaestorship and the duumvirate were held together, and in some instances this quaestorship was held last of all. A certain diversity in title appears, and it seems probable that the emperor permitted the local authorities to administer the funds in whatever way seemed best, either by combining the new functions with those of an office already existing, or by appointing a separate official.<sup>2</sup> The existence of these officials has been definitely proved in about forty towns scattered over every part of Italy. Their high place in municipal administration shows that the alimentary fund was no insignificant department of the city treasury, but affected a considerable number of the families on the city register.

Our evidence as to the number of children assisted is very meagre. This is unfortunate, for it is difficult to appreciate the real significance of the institution unless we know whether the assistance reached a large proportion of the population, or was limited to a few of the very poor. Among the inscriptions recording public grants,<sup>3</sup> the *Tabula Veleias* alone gives definite information. There we find that 264 boys and 36 girls were

Marcus Aurelius of the magistrates known as 'iuridici', who apparently formed a sort of supervisory board over Italian administration, and may have added the 'cura alimentorum' to their other duties. Their powers were reduced by Macrinus. This whole theory is attacked by Mommsen, *Staatsrecht*, ii. 2. 1080.

<sup>1</sup> See *Corpus Inscript. Latin.* iii. 6753, viii. 822. The title sometimes varied: ii. 4238 'procurator Augusti ab alimentis'; vi. 1633 and 1634 'procurator ad alimenta'.

<sup>2</sup> (a) Officials appointed separately: The title 'quaestor alimentorum' appears twenty times. Other titles are: 'quaestor alimentorum Caesaris'; 'quaestor sacrae pecuniae alimentariae'; 'quaestor pecuniae alimentorum publicorum'; 'curator pecuniae alimentariae'. An example of a subordinate is given in *Corpus Inscript. Latin.* ix. 699 'servus arkarius, qui et ante egit rationem alimentariam sub cura praefectorum annis xxxii'.

(b) Magistrates who combined two or more offices: *ibid.* x. 20 'quaestor pecuniae publicae et alimentariae'; *ibid.* x. 5920 'quaestor aerarii et alimentorum'. Other titles are 'duovir et curator alimentorum distribuendorum' and 'duovir alimentorum quaestor curator sacrae pecuniae'.

<sup>3</sup> Among the private endowments, at Sicca probably 300 of each sex were assisted; at Terracina, 100 of each; at Hispalis perhaps 50 of each.

enrolled. But as the population of Veleia is not known, these figures do not help much towards a general conclusion. The whole question of the population of Italy in ancient times is discussed by Dr. Julius Beloch,<sup>1</sup> who reaches the conclusion that in the year A.D. 47 the number of male adult citizens in an average Italian municipality may be reckoned as somewhere about 3,000; another 3,000 would represent the women and another 3,000 the children. If for the moment we may adopt these figures as applying to Veleia, we find that only 10 per cent. of the children were assisted; a much smaller proportion than the dignity of the magistrates in charge of the work would lead us to expect. It is tempting to use the alimentation figures in support of Dr. Beloch's argument that the population of Italy was over-estimated by earlier scholars; but it is probably wiser to draw no conclusions, when the data are so uncertain. As to the sex of the children, it is clear from coins, inscriptions, and literary notices alike, that both girls and boys were included in the scheme. This was natural, if the primary aim of the institution was to check a decline in the population. In Rome itself the distributions of corn made to the adult population reached males only. It has, therefore, been suggested<sup>2</sup> that in Rome girls did not at first share in the alimentary allotment. According to this view, the endowment in memory of Faustina was designed to repair this omission. Whatever may have been the case in Rome, we know that outside the capital both sexes were assisted from the beginning. At Veleia, out of 300 children only 36 were girls; this inequality in the number benefited is unexpected. Apparently in this case the commissioner in charge of the business had instructions that grants should be made more readily to boys than to girls. Whether this was in view of future military requirements we cannot say, but such considerations may well have influenced those responsible for the choice. There is also an inequality in the value of the allowances, since the boys received sixteen sesterces a month, and the girls only twelve. Thus a greater incentive was offered to parents for the rearing of boys than of girls. There may, indeed, have been more boys to enrol, owing to the more frequent exposure of female children.<sup>3</sup>

Pliny tells us in his *Panegyric* that the children assisted by Trajan were 'free-born'. A similar limitation is mentioned in

<sup>1</sup> *Die Bevölkerung der Griechisch-Römischen Welt*, Leipzig, 1886. See also Eduard Meyer, *Die Bevölkerung des Altertums in the Handwörterbuch der Staatswissenschaften*, vol. ii, 2nd ed., pp. 674 f.

<sup>2</sup> See Henzen in *Annali dell' Instit.*, 1844, p. 24. He is followed by Hirschfeld, *Philologus*, xxix. 10, and opposed by Sauppe, *Philologus*, xxx. 134, and Marquardt, *Staatsverwaltung*, ii. 139, n. 4.

<sup>3</sup> See Merivale, *The Romans under the Empire*, viii. 57.

the records of private endowments,<sup>1</sup> and we may probably assume that the restriction was general. It is somewhat surprising to find that at Veleia two illegitimate children, and only two, are specially mentioned; they are to receive grants less in value than those made to the other boys and girls. This disadvantage naturally suggests that the government wished to encourage legal marriage; but one cannot help wondering why these two children are mentioned at all. The simplest explanation seems to be that their presence in this case was due to personal favouritism.

The questions of the form and value of alimentary dole raise problems of great interest to the economic historian. By far the most important part of the diet of the Italian people in ancient times consisted in wheat. It was natural, therefore, that the cheapening or free bestowal of corn should be the means most often adopted of winning the favour of the people or improving the lot of the poor. The quantity generally allotted to each recipient in the ordinary public distribution in Rome was five modii (nearly one and a quarter bushels) a month, and this was considered to be more than adequate for the entire sustenance of a grown-up man for that period.<sup>2</sup> When the distributions were so extended as to include children, the most convenient method, in Rome at any rate, was to add the names of children to the lists of those already in receipt of corn. Thus, when a new enrollment was made by Marcus Aurelius, 'pueros et puellas . . . frumentariae perceptioni adscribi praeceperunt'.<sup>3</sup> The coin types of Trajan and Hadrian show ears of corn offered to children; and the epitaph of a child<sup>4</sup> who belonged to the foundation of the younger Faustina shows, by its wording, that these children did in fact receive their allowance in the form of corn. Outside Rome there was very little free distribution of corn, and it is therefore not surprising to find that at Veleia the grants were made in money. Here it is recorded that sixteen sesterces should go to each legitimate boy, twelve sesterces to each legitimate girl, twelve to an illegitimate boy, and ten to an illegitimate girl. It would be rash to conclude that the practice here recorded of one small town proves the existence of a general scale prescribed by the central authorities. But it is not improbable that such a scale existed, and this conjecture is somewhat strengthened when we come to consider the real value of the money allotted.

Any attempt to give the modern English equivalent of Roman

<sup>1</sup> At Comum (Pliny's endowment) and at Hispalis.

<sup>2</sup> See Marquardt, *Staatsverwaltung*, ii. 107. Cato, *De Re Rustica*, recommends that a slave should be allowed 4 modii in winter, 4½ in summer. Soldiers were allowed 4 modii.

<sup>3</sup> See above, p. 9, n. 5.

<sup>4</sup> She is described as 'Sexta Saturnina ingenua frumento publico Divae Faustinae Iunioris'.

money is, of course, misleading, unless one can determine the purchasing power of the money at any given period. It is tempting, in this connexion, to apply the information as to prices given us in the famous edict of Diocletian,<sup>1</sup> published in A.D. 301. But so great had been the alteration in the value of money during the intervening years, and so difficult is it to determine the relation between maximum and average prices, that such a use of the edict must reluctantly be abandoned. Mommsen<sup>2</sup> has calculated that in the later days of the republic the average price of corn in Rome was four sesterces a modium. Mommsen's figure has been accepted by Marquardt and Hirschfeld and by Beloch. There is no evidence that the price of corn altered to any considerable extent between the end of the republic and the time of Trajan; and, failing such evidence, it is probably not too bold to treat Mommsen's figure as applicable to the later period. Turning to the *Tabula Veleias*, we find that the monthly allowance of sixteen sesterces would enable each boy to purchase in Rome four modii of corn. The monthly allowance to adults was usually five modii, but Friedländer,<sup>3</sup> following Marquardt, has pointed out that this amount was intended to be more than sufficient for one man. He calculates that a man's average monthly consumption was probably less than four modii. So, if the inhabitants of Veleia could buy their corn at the price at which it was offered in Rome, the allowance of sixteen sesterces a month would purchase considerably more than was necessary to feed a boy for that period; a small sum would remain for vegetables and other kinds of food. Certainly the cost of living would vary in different parts of Italy; but we may conjecture that the officials who drew up the scheme of allowances bore in mind the price of corn in Rome, and fixed the allowance of money at a sum which would be sufficient to provide the entire maintenance of a child. This conclusion is supported by the use of the words 'alimenta' and 'alere', which suggest more than a small contribution to the family income.

Whatever the original object of the institution, it is certain that the grants made in money would not long maintain their initial value. This leads us to a consideration of the reasons why the institution so quickly disappeared. For though the existence of alimentary officials may be traced to the reign of Gordian, and probably as late as Diocletian, after that time no indication of the institution survives.<sup>4</sup> Modern historians have written very

<sup>1</sup> *Corpus Inscript. Latin.* iii. 1926. The edict is described, and in part translated, in Abbott, *The Common People of Ancient Rome*, cap. 5.

<sup>2</sup> Mommsen, *History of Rome*, i. 851 a; Marquardt, *Staatsverwaltung*, ii. 108, n. 3; Hirschfeld, *Die Gemeindeverwaltung*, p. 68; Beloch, *Bevölkerung*, p. 397.

<sup>3</sup> *Roman Life and Manners*, appendices, p. 23.

<sup>4</sup> The *Codex* of Theodosius, xi. 27, contains a law of Constantine, dating from

little on this subject, and have generally dismissed it with a brief reference to the political and economic confusion of the third century. Ancient authorities are also silent, with the exception of Capitolinus, who tells us in the passage already quoted that in A.D. 193 'Pertinax, with hardened heart, cancelled nine years' arrears *ex instituto Traiani*'. Evidently, as early as this date, one emperor at any rate sought to relieve his financial difficulties by withholding alimentary payments which had become customary. Whether the words imply that the investments in land had been supplemented by direct grants from public revenues, or whether they refer to a stoppage of the income from land on its way to the legal recipients, they do at least show that the institution was in serious danger.

The mortgage lists mention no term of years after which the principal would be called in; but even if Trajan intended that his beneficence should last for ever, other and less charitable emperors may not have carried out his intention. The sums lent to the landowners may have been recalled. Further, in some parts of Italy, the agricultural depression which followed on the visitations of plague was so great that many of the farmers may have been unable to pay even the low charges with which their lands were burdened. In other cases the money perhaps failed to reach the object for which it was intended. In the period of political chaos before the accession of Diocletian, the central control over administration was relaxed, and it is quite likely that the local magistrates diverted the alimentary revenues to meet more pressing needs. But even where the alimentary funds continued to exist, the real value of the doles would be greatly reduced, as the purchasing power of money declined. Diocletian's edict of maximum prices was an attempt to cope with this rise, and the emperor expresses himself horrified at what he calls the 'avarice' of the merchants, and the consequent misery of the poor. When the public need was so pressing, the alimentary money, now comparatively insignificant in value, may well have been absorbed into the general revenues of a town, and its original purpose forgotten.

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A.D. 315, in which magistrates are told that if a parent brings a child whom he is prevented by poverty from bringing up, they must not hesitate to provide 'alimenta' and clothes. Probably this has no connexion with the institution of Trajan, but it is interesting to see that some attempt was being made to cope with the problems of poverty; possibly we may see here the effect of Christian teaching on charity.

## *Maurice of Rievaulx*

ON the death of William, first abbot of Rievaulx (2 August 1145), a certain Maurice was chosen to succeed him. Maurice, says John of Hexham, had been since his boyhood in the monastery of Durham, but had been attracted by the more stringent discipline of the Cistercian rule—'a puero educatus in claustro Dunelmensi monachus et ad disciplinam rigoris Cisterciensis voto perfectionis se transferens'. In a short time, however, the same desire for perfection led him to resign the office of abbot, and he was succeeded by the famous Ailred.<sup>1</sup> Maurice probably joined the society at Rievaulx after 1138, for in that year a monk of his name was sub-prior of the monastery of St. Cuthbert at Durham. He was concerned in the arrangements which led to the surrender by Ailred's father, Eilav, of his rights in Hexham in favour of the priory recently founded in that place. Eilav entered the monastery of Durham and must have strengthened the interest which Maurice took in the new Cistercian enterprise in the north, for Ailred was already a monk of Rievaulx.<sup>2</sup>

The resignation of the office of abbot took place before the end of 1147, for Ailred was certainly abbot in December of that year,<sup>3</sup> and about the same time Maurice was summoned to a still more important task. These were very exciting and responsible days in the history of the Cistercians. A Cistercian pope, Eugenius III, was working hand in hand with St. Bernard. Under their guidance there was constant intercourse between the chief Cistercian houses of the Continent and the new establishments in Yorkshire. Indeed, in these early days, the order was under a despotism. Henry Murdac, the first abbot of Vauclair, had recently been transferred to Fountains,<sup>4</sup> and now—in the face of King Stephen and the deposed Archbishop William

<sup>1</sup> John of Hexham, 'Contin. of Symeon of Durham', in *The Priory of Hexham* (ed. Raine), i. 149, 150 (Surtees Soc., 1864). Compare *Chron. de Mailros*, ed. Stevenson (Bannatyne Club, 1835), p. 72.

<sup>2</sup> Richard of Hexham, lib. ii, c. 9, in the same volume, pp. 55-6.

<sup>3</sup> See note at the end of this paper.

<sup>4</sup> Janauschek, *Originum Cisterciensium* i. 32 (1887). St. Bernard, in a letter urging Henry to accept office at Fountains, states that the monks there had elected him 'cum consilio venerabilis Abbatis Rievallis', i. e. William (*S. Bernardi Opera*, ed. Mabillon, i. col. 300 a, Paris, 1719).

—was, after a contested election at Richmond, recognized by Eugenius as archbishop of York at Trèves on 7 December 1147.<sup>1</sup> The new archbishop had now to find a successor at Fountains. He selected Maurice of Rievaulx. The story was told by Hugh of Kirkstall on the authority of the aged monk Serlo, about sixty years later :

Fontes interim veniens [Henricus archiepiscopus] monachum quendam Rievallis, Mauricium nomine, in abbatem creavit. Hic Mauricius non tres plene menses apud Fontes faciens resignata cura in manu archiepiscopi rediit ad locum unde assumptus est.<sup>2</sup>

So, within three years, Maurice refused two of the most responsible positions that St. Bernard and his friends could offer in the Cistercian order. He was succeeded at Fountains by another monk of Rievaulx, Tuold. But Archbishop Henry was a difficult neighbour, and after two years Tuold was forced to resign and to return to Rievaulx. Unlike Maurice, he did not settle down there, but withdrew to Clairvaux. Almost at once (1151) St. Bernard procured his election as abbot of Trois-Fontaines.<sup>3</sup>

Rievaulx was clearly a place to be reckoned with, a home of scholars and administrators. Of the three contemporaries, Ailred, Tuold, Maurice, the two former have long been known. St. Ailred was in his way a great man ; Tuold was a learned and competent man—‘adhuc non deest homini litteratura congruens,’ wrote St. Bernard, defending the appointment at Trois-Fontaines.<sup>4</sup> Maurice has hitherto been neglected. He must have been a remarkable person, but, like most men who refuse responsibility, he has been lost to history. Yet there is evidence that he also was a scholar, and it is possible to identify at least one of his writings.

Help comes from yet another scholar of Rievaulx, Walter Daniel, the friend and pupil of Ailred. Walter wrote the life of St. Ailred which has survived in a manuscript now in Jesus College, Cambridge (Q. B. 7). In an abbreviated and rearranged form, this life has long been known in Capgrave’s version, which was adopted by the Bollandists. Capgrave simply recast the lives of English saints collected early in the fourteenth century by John of Tynemouth. Two different summaries of Walter’s life of Ailred seem to have been made by John of Tynemouth,

<sup>1</sup> Böhmer, *Kirche und Staat in England und in der Normandie im xi. und xii. Jahrhundert*, p. 349 (1899).

<sup>2</sup> ‘Narratio de Fundatione Fontanis monasterii in comitatu Eboracensi’ (Gale MS. O. 1. 79) in Walbran’s *Memorials of the Abbey of St. Mary of Fountains*, i. 104 (Surtees Soc., 1863). As Walbran points out, the identification of this Maurice with the later Cistercian writer Maurice of Ford Abbey is due to a confusion first made by Pits.

<sup>3</sup> Narratio, *ut supra*, p. 105, with Walbran’s notes. Eugenius III had been abbot of Trois-Fontaines.

<sup>4</sup> *S. Bernardi Opera*, i. col. 287 d.



the one which appears in his *Sanctilogium Anglie* (MS. Cott. Tib. E. 1) and later in Capgrave and the *Acta Sanctorum*,<sup>1</sup> another and rather longer summary in a manuscript written at Bury St. Edmunds, now Bodleian 240. Both versions are printed by Horstman in his edition of the *Nova Legenda Anglie*. The Bury MS. alone contains more information about Maurice than we know already :

Mortuo Willelmo primo abbati Rieuallie successit Mauricius vir magne sanctitatis et prudencie, utpote qui a puero in claustro Dunelmensi educatus creverat in sublimi, ita ut a sociis secundus Beda cognominaretur. Hic moleste ferens onera cure pastoralis portare villicacioni abrenuncians post duos [annos] in claustro maluit residere.<sup>2</sup>

When we turn to the original source of this account, in Walter Daniel's own words, we find a more intimate reference :

Huic [Willelmo] successit Mauricius magne sanctitatis vir et preclare prudencie utpote qui potaverat a puero vinum leticie spiritualis in claustro Dunolmensi et ex pane Cuthberti viri Dei refectus creverat in sublime [sic] ita ut a sociis secundus Beda cognominaretur, cui reuera erat in tempore suo tam vite quam sciencie prerogativa secundus. Hunc virum ego ipse uidi et bene noui et scio quod paucos tales modo terra tenet moriencium. Hic autem moleste ferens inquieta onera cure pastoralis portare uillicacioni abrenuncians post duos annos in claustro maluit consedere.<sup>3</sup>

Walter Daniel, then, who knew Maurice personally, is the authority for the statement that Maurice was regarded as 'a second Bede'. Moreover, if his remark that Maurice was abbot of Rievaulx for two years can be taken literally, the date of Ailred's succession is definitely established as the end of 1147.

It would be remarkable if a man who could be compared to Bede had left no writings nor record of writings. The name of Maurice does not appear in Bale, in Leland or Pits, and therefore it has no place in literary history. But, as Mr. R. L. Poole has recently reminded us, another monk of Rievaulx, Nicholas, is also unmentioned by the literary historians, although his poems and letters survive in a manuscript once in the library of the abbey of St. Victor.<sup>4</sup> I think that we may safely identify Maurice with the author of three volumes which were in the library of

<sup>1</sup> 12 January, i. 41-6.

<sup>2</sup> *Nova Legenda Anglie*, ii. 550 (ed. Carl Horstman, Oxford, 1901).

<sup>3</sup> Jesus College, Cambridge, MS. Q. B. 7, fo. 69. This interesting life has hitherto been neglected. I am much indebted to the Master and Fellows of Jesus College for depositing the manuscript in the John Rylands Library for my use. The Rylands Library has recently acquired another work by Walter Daniel, the *Centum Sententiae*, known to Leland, but since lost. Mr. Robert Fawtier, who called my attention to this manuscript, has generously placed at my disposal the notes which he had made upon it, and I hope shortly to publish a study of it and of Walter's life of Ailred.

<sup>4</sup> *Ante*, xxxv. 341 and note.

Rievaulx. The contents of these lost manuscripts are described as follows in the thirteenth-century catalogue :

[Class G.] Sermones Mauricii qui sic incipiunt, *Festum super festum*, in uno vol.

[Class H.] Epistole Mauricii in uno vol.

Libri Mauricii scilicet Specula monastice religionis & Apologia eiusdem & itinerarium pacis & Rithmus eiusdem & de translatione corporis S. Cuthberti in 1° uol.<sup>1</sup>

The last-named work strengthens the suggestion that the author of these books was Maurice of Rievaulx. Maurice is known to have been from his boyhood an inmate of the abbey of St. Cuthbert at Durham. It is possible that he remembered the great ceremony of the saint's translation in 1104; he must certainly have known persons who had been present. He is a most likely author of any account of the translation. Now an author of a widely-spread and popular description of the ceremony has long been to seek. This tract is usually found as a single chapter in a collection of St. Cuthbert's miracles.<sup>2</sup> Some of the stories were well known in 1104 and were used by Symeon of Durham in his history of the church of Durham written before 1109. Others are of later date. The description of the translation was written certainly after 1122 and probably after 1136. A reference to Ralph, abbot of Séez, who was present, shows that the record was written after Ralph's death (19 September 1122): 'venerabilis memorie Radulfus, tunc quidem abbas Sagiensis monasterii sed postea Cantuariorum archiepiscopus.'<sup>3</sup> A reference to William of Corbeil, who died 21 November 1136, suggests that the author wrote after this date also: 'Guillelmus tunc Dunelmensis episcopi clericus sed post saepedictum Radulfum ecclesie Cantuariensis archiepiscopus.'<sup>4</sup> In any case there is no chronological difficulty in attributing the work to Maurice, first of Durham, and later of Rievaulx. In view of the fact that the

<sup>1</sup> The catalogue of the Rievaulx library is inserted in the first six folios of a twelfth-century manuscript, formerly belonging to the abbey, and now, like the manuscript containing Walter Daniel's life of Ailred, in the possession of Jesus College, Cambridge (MS. Q. B. 17). It was printed by Halliwell-Phillipps in the *Reliquiae Antiquae*, edited by Thomas Wright and himself, ii. 180-9 (1843); also by Edward Edwards, *Memoirs of Libraries*, i. 333-41 (1859). The third and best edition of the catalogue is in James, *Descriptive Catalogue of the Manuscripts in Jesus College, Cambridge*, pp. 45 ff. The entries regarding Maurice's books will be found on p. 48.

<sup>2</sup> For the text of this collection see *Symeonis Dunelmensis Opera* (ed. Hodgson Hinde, Surtees Soc., 1868), i. 158 ff. The translation is chap. 18, pp. 188-97. For the manuscripts see Hodgson Hinde's introduction, xxxix-xlv, and Hardy, *Descriptive Catalogue*, i. 303-5. The work is also printed in Symeon of Durham's *Opera Omnia*, edited by T. Arnold in the Rolls Series (1882), i. 229; ii. 333. Arnold was inclined to attribute it to Symeon.

<sup>3</sup> *Symeonis Dunelm. Opera* (Surtees Soc.), i. 194.

<sup>4</sup> *Ibid.* p. 195. Cf. Archer, *ante*, ii. 104.

library of Rievaulx contained a work on the translation by an author named Maurice, the conclusion is not merely plausible but highly probable.<sup>1</sup>

The leaders among the early Cistercians were prolific letter-writers, and copies of their letters were frequently collected and preserved. Ailred, Maurice, and, later, Nicholas received this compliment.<sup>2</sup> The loss of Ailred's letters is a real misfortune. Whether Maurice's were worthy of preservation may be doubted. The one which has survived, if it may safely be ascribed to him, does not stir enthusiasm. It is contained in a thirteenth-century manuscript, part of the collection which was formed by William Gray, bishop of Ely, and which on his death in 1478 passed to Balliol College (Ball. MS. 65). The contents are :

fo. 1. Disputationes of Simon of Tournai.<sup>3</sup>

fo. 40. Eulogium of John of Cornwall addressed to Pope Alexander III 'de discussione philosophorum et haeresium'.<sup>4</sup>

fo. 48. Letter from 'frater M. minimus pauperum Christi de Rieualle' to Thomas, archbishop of Canterbury.

fo. 49. Letter from the patriarch of Antioch on Saladin's victory at Hattin, July 1187.

All the contents are written in the same hand, with no indication of origin. It is perhaps worth noting that the library of Rievaulx possessed a volume containing John of Cornwall's eulogium.<sup>5</sup>

Except Maurice, no 'frater M.' of Rievaulx is known to us, and, what is more to the point, he was during his retirement, in his search after perfection, just the type of man to attract the interest of Becket after his elevation to the see of Canterbury

<sup>1</sup> St. Ailred was a recognized authority upon St. Cuthbert and provided the monk Reginald of Durham with the materials for his *Libellus de admirandis Beati Cuthberti virtutibus* (Surtees Soc., 1835).

<sup>2</sup> The catalogue of the Rievaulx library mentions both Ailred's and Maurice's letters. For those of Nicholas see *ante*, xxxv. 341, n. They are contained in a manuscript of Saint-Victor, no. 1030, now MS. Lat. no. 15157 in the Bibliothèque Nationale (not 15127, as stated *ante*, xxxv. 341). M. Charles Bémont, who has kindly examined this manuscript for me, tells me that it contains five letters from Nicholas (fo. 85 b to 101 a) and two addressed to him (fo. 118 b to 124 b). It is clear from their contents and also from the verses of Nicholas printed by Picard in his edition of William of Newburgh, that Nicholas wrote in the years 1216-25. It is worth noting that he does not mention Maurice in his poem on the abbots of Rievaulx.

<sup>3</sup> For the significance of these *quaestiones* or *disputationes* in the development of scholastic method, see Grabmann, *Geschichte der Scholastischen Methode*, ii. 537 (Freiburg-im-Breisgau, 1911). Simon of Tournai was a master in the Paris schools at the end of the twelfth and early years of the thirteenth century.

<sup>4</sup> John of Cornwall was a disciple, and afterwards a critic, of Petrus Lombardus. The eulogium was concerned with the controversy on the Lombard's position 'Christus non est aliquid secundum quod homo'. See Hefele, *Hist. des Conciles* (trans. Leclercq), v. ii. 974-7 (Paris, 1913), and Grabmann, ii. 399. Pits refers to this Balliol manuscript in his note on John of Cornwall, *sub anno* 1170, p. 236 (Paris, 1619).

<sup>5</sup> It was bound up with Hugh of St. Victor on Ecclesiastes, and the dogmata of Gennadius.

(1162). The letter was obviously written, in reply to letters from the archbishop, in the early days, when anxious men were concerned with the character rather than with the difficulties of Becket. Becket, turning at once to the Cistercians, who gave him henceforth his greatest moral support,<sup>1</sup> wrote to Maurice, apparently to ask for his prayers, and sent the letter by his friend H[ugh] de Morville. Hugh, on his way north, turned aside twenty miles or more from his course, to visit Rievaulx.<sup>2</sup> Maurice was clearly surprised and slightly confused by the attentions of Archbishop Thomas. Gathering himself together, however, the second Bede, with protestations of the most profound humility, wrote the letter which is printed at the end of this paper. In spite of its prolixity, it deserves a place among the correspondence of St. Thomas. It was written by an interesting man of long experience in the religious life to a great man who was at the turning-point in his career. The archbishop had only just received priest's orders and had hitherto been known as an able administrator in secular affairs. He was now called to action on behalf of the church by an uncompromising disciple of St. Bernard. Maurice reminds him of his responsibilities. Let him beware lest, by forgetting Him who has entrusted him with them, he fails to fulfil them. He has great advantages, including the support of a powerful and friendly king: 'In te concurrunt omnia que plurimum ualent ut talia nunc eliminentur mala, scilicet potentia principis apud quem specialem habes familiaritatis gratiam, robor etatis,' &c. Perhaps without having any definite instances of it in mind, Maurice quotes, from the letter 'De Officio Episcoporum', St. Bernard's condemnation of the promotion of mere boys, 'scolares pueri et impubes adhulescentuli', to high ecclesiastical office.

Hitherto we have been on fairly firm ground. It is certain

<sup>1</sup> The support of the Cistercians was enlisted as soon as the differences began between king and archbishop (1163). See the letter from Becket's friend and former companion Bishop John of Poitiers, in Robertson, *Materials*, v. 57 (Rolls Series): 'Ego Pontiniacum proficiscor ut illius religionis devotioni tam uestram quam nostram commendem intentionem. Nam ibi implorandum est auxilium ubi humanum deesse uidetur. Orationibus Clareuallensium per ipsum papam uos commendari fecimus.' It is quite likely that Maurice of Rievaulx was brought to the archbishop's notice by John, who when treasurer of York (1154-63) was frequently in touch with the affairs of Rievaulx (*Cartularium Rieuallense*, pp. 33, 44, 144, 167-70).

<sup>2</sup> Doubtless Hugh de Morville, one of Becket's companions and afterwards one of his murderers. He probably went north after the consecration of the archbishop on 3 June 1162, and he would naturally take the great north road on his way to his Cumberland estates (for these see the references given in the *Dict. of Nat. Biog.* xxxix. 168, and add Mr. J. Wilson's paper on the Cumberland Pipe Rolls in the *Victoria County History, Cumberland*, vol. i, especially the extract from Pipe 4 John, on p. 391). In Yorkshire Hugh had interests in Knaresborough, where he retired with his companions after the murder of Becket (Pipe 5 Henry II, pp. 29, 30; *Benedict of Peterborough* (ed. Stubbs), i. 13). He must be distinguished from the constable of King Malcolm of Scotland who died in this year 1162 at his foundation of Dryburgh (*Chron. de Mailros*, p. 78).

that the second abbot of Rievaulx had been a monk of Durham before he joined the Cistercians, that he was a scholar and a person of considerable reputation. It is safe to identify him with the Maurice who went for a few weeks to Fountains and with the author of the writings mentioned in the Rievaulx catalogue. It is highly probable that the 'Translation of Saint Cuthbert' there mentioned is the well-known anonymous tract so entitled. And finally it is difficult to imagine that any other brother M. of Rievaulx could have excited the special interest of Archbishop Thomas. This evidence brings us to the year 1162. Two other documents show that, before this date, but after his resignation, he took some part in the administrative business of the abbey. In 1151 he was present at the large gathering of abbots and monks in which Ailred gave judgement in the dispute between Savigny and Furness about the control of Byland Abbey. The Byland narrative says 'affuerunt etiam Thurstinus prior Ryevallis, Mauricius, Galo, Daniel, monachi Ryevallis', &c.<sup>1</sup> The second document is the ratification by Bertram of Bulmer, at that time sheriff of Yorkshire, of an exchange of land: 'Hoc escambium feci, Testibus Aschetillo filio meo qui illud escambium concessit; et Domino Ailredo abbate Rievallis et Domino Mauricio et Roberto de Buissei et Serlone.'<sup>2</sup> The date of this deed is earlier than the ratification by King Henry of the possessions of Rievaulx, including a carucate of land at Wellburn which is in question in the exchange. This ratification is earlier than 1160.<sup>3</sup>

At this point we leave sure or fairly safe ground, and enter the region of hypothesis. Maurice, as we have seen, is mentioned in Walter Daniel's life of St. Ailred. This life—which must be distinguished from a preliminary letter—cannot have been written very long after Ailred's death early in 1167. The note of the opening chapter is one of grief for the recent loss of a beloved master.<sup>4</sup> Now it would certainly seem from Walter's reference

<sup>1</sup> Delisle, *Journal of British Archaeological Association*, vi. 423-4 (1851), from the Archives Nationales; Round, *Cal. of Documents preserved in France*, p. 297, no. 819; *Monasticon*, v. 353, from the so-called Register of Byland which gives 1151 as the date.

<sup>2</sup> *Cartularium Rievallense*, p. 155, no. cxiv.

<sup>3</sup> *Ibid.* pp. 141-4, no. cxcvii. Bernard of Bulmer had exchanged eleven bovates of land in Flaxton, near York, in the wapentake of Bulmer, for a carucate in Wellburn, near Kirkdale. He gave this carucate to Rievaulx, and it is included in the royal confirmation. One of the witnesses to the latter is Walter, bishop of Chester, who died in 1159 or 1160.

<sup>4</sup> Jesus College, Cambridge, MS. Q. B. 7, fo. 63 b 'Uirorum dulcissimo abbati H. suus W. Daniel laborem et salutem. Quum quidem pater noster obiit et quasi lux matutina euanuit e terra nostra et multorum animo insidet ut radius tanti luminis refundatur ad memoriam et illuminationem futurorum, immo eciam et quorundam presentium quibus et ipsum lumen emicuit in fulgore suo, non possum, fateor tibi, in hac re sensus mei rationem et scientiam denegare, cuius debeo pro viribus parere

that, when the life was written, Maurice was no longer alive. 'Hunc virum ego ipse uidi et bene noui,' says Walter. It must be remembered, however, that this expression would apply to an absent friend no less than to a dead man. If the text stood alone we could not be sure that Maurice was not spending his last years in some other abbey. Nothing would have been more natural, as a slight acquaintance with the lives of contemporary Cistercians or with a record like the chronicle of Melrose is sufficient to show. Ailred's successor, Sylvanus, lived, after his retirement, at Byland and died there in 1189.<sup>1</sup> That Maurice had withdrawn from Rievaulx is made probable if we turn to the letter which precedes Walter's life of Ailred. It is addressed to a person of distinction named Maurice: 'Patri et domino eximie sanctitatis viro Mauricio suo Willelmus Danielis sinceram et nimis deuotam dileccionem.'<sup>2</sup> The whole epistle is very interesting. Walter's life of Ailred had aroused criticism. Two obstinate prelates in particular had openly expressed their incredulity when Maurice had read the miracles to them. Maurice had therefore asked the biographer to support his narrative with more evidence, and this Walter does in his letter. He selects several miracles and adds four which do not occur in the life. Taking one after another he gives the names of witnesses who are prepared, or would have been prepared, if they were still alive, to vouch for their truth. Now this shows that the letter to Maurice was written some time after the life. If the Maurice to whom it was addressed was the former abbot of Rievaulx, he must have outlived his successor, perhaps several years. That he was the same man it is difficult not to believe. He was clearly well known to Walter, and was concerned to defend Ailred's reputation as a saint. He was addressed in a style suitable to a former abbot, father and lord.

The argument is not conclusive. It would be shaken by the production of another Maurice to whom Walter Daniel might appropriately have written. But, if it is sound, it makes a fitting close to our record of this friend of saints. As a boy at Durham he had lived in the atmosphere of St. Cuthbert. Perhaps he had seen the great ceremony of the saint's translation in 1104 and heard his elders discuss the miraculous preservation of the saint's body. In his middle years he had won a reputa-

preceptis, et maxime in caritativa iussione que non sine vexatione poterit preteriri. Unde dicitur pre victima sit obediencia et ante pinguium arietum oblationem. Ad hanc nihilominus tuam intencionem accedit et imminet recens patris abscessio, que nos ultro prodire provocat, obedire iubet, et tuis ammonet parere mandatis.' Abbot H. was not an abbot of any neighbouring Cistercian house, and I identify him with Henry, third abbot of Waverley, the senior Cistercian abbey in England.

<sup>1</sup> *Chron. de Mailros* (Bannatyne Club), p. 98.

<sup>2</sup> Jesus College MS. Q. B. 7, fo. 61.

tion for himself as a second Bede. He had known William and Henry Murdac and other friends of St. Bernard, and in his old age he followed with his prayers the career of St. Thomas. He was one of those among the friendly Cistercians from whom Thomas had sought more intimate sympathy. If he lived to read the life of his old companion Ailred, he may have lived to hear of Thomas's death at the hands of the messenger who had turned out of his way eight years before to visit him at Rievaulx.

F. M. POWICKE.

#### APPENDIX

##### 1. *A note on the Chronology of Events about the time of the Resignation of Maurice as Abbot of Rievaulx*

The fullest account of Cistercian politics in north Yorkshire at this time is that given in the Register of Byland. This narrative was written by a successor of the long-lived Abbot Roger of Byland (d. 1196), and is based on the recollections of Roger and others. Its chronology is obviously defective, and the compiler admits in two or three places that it is doubtful. I add a short note in the hope that it may clear the ground for further investigation. As a central point we may take the document in which Serlo, abbot of Savigny in Normandy, gave Jervaulx to Byland.<sup>1</sup> It appears from the narrative that Serlo prepared this charter in Normandy, after a general chapter of the Savigniac order (1146). He gave it to the abbot of Quarr, who was to produce it, if this course was desirable, after a visitation of Savigniac houses in England. It was produced and read, and the names of the witnesses are given: 'Henrico archiepiscopo Eboracensi, Aldredo abbate Rievallis, Turolde abbate de Fontibus et fratribus eorum plurimis.' One year, or some say two years, later Odo, prior of Savigny, came to England bearing letters from Serlo, who commanded the Savigniac abbeys to obey the constitutions of Cîteaux in accordance with the terms of union arranged at the council of Reims.

This story will not fit known facts. The general chapter at Savigny must have been held in 1147, for the narrative definitely states that it was held in the year in which Archbishop Henry Murdac was consecrated. The order of events in this year was as follows. In April Pope Eugenius III presided at the council of Paris, when the views of Gilbert de la Porrée on the being of God were examined. At this council Archbishop William of York was deposed.<sup>2</sup> The papal letters ordering the election of his successor were issued in July, and Henry Murdac was consecrated by Eugenius at Treves on 7 December. In the meanwhile the general chapter of the Cistercian order held at Cîteaux in September had arranged the union with the Savigniac order,<sup>3</sup> and the union was confirmed by the pope on 19 September, not at the council of Reims in March 1148. It follows from these facts that Abbot Serlo's charter as given in the Byland Register has been tampered with. If he issued it in 1147, the witnesses

<sup>1</sup> *Monasticon*, v. 570, col. 2.

<sup>2</sup> For a discussion of the texts see Miss Norgate, *Angvin Kings*, i. 366 and note; Hefele, *Hist. des Conciles* (trans. Leclercq, v. i. 831-2, with the translator's notes).

<sup>3</sup> See Miss Cooke, *ante*, 1893, viii. 673-4, following Janauschek.

given in the register are impossible ; apart from the fact that an archbishop of York and two Cistercian abbots would not have attended a Savigniac chapter, Murdac was not consecrated till 7 December and would not have appointed Turoid at Fountains till after that date. Again, we are told that he first appointed Maurice of Rievaulx,<sup>1</sup> and, according to Walter Daniel, Maurice was abbot of Rievaulx from 1145 to 1147, or more precisely for two years after the death of Abbot William in August 1145.<sup>2</sup> Finally Ailred, if Walter's statement is accepted, could not have been elected until the closing months of 1147. His first recorded appearance was his co-operation with Bishop William of Durham and others in the inquiry which settled the dispute about the seat of the prior at Durham (30 November 1147).<sup>3</sup>

To assume that Serlo's charter belongs to a later date than 1147 is to raise other difficulties and to discredit the Byland narrative unduly. The most likely explanation of the error about the witnesses is that the archbishop, Ailred, and Turoid took part in the subsequent deliberations in England regarding the relations between Jervaulx and Byland.

## II. *M. frater Rievallensis to Archbishop Thomas*<sup>4</sup>

Balliol College MS. 65, fo. 48.

Amantissimo Domino et Patri T. reuerendo Cant[uarie] archiepis-  
scopo ille suus pauper et modicus frater M. minimus pauperum Christi  
de Rieuall[e] totum id, perparum quod est, quod scit quod potest in  
domino. Quis sum ego uel cuius momenti quem tanti sibi faciat pater  
iam patris, dominus regni secundus a rege, princeps ecclesiarum Anglie?  
Inter priuata regni consilia, publica principum negocia, inter multiplices  
ecclesiarum occupationes: inter innumeras diuersarum rerum exactiones,  
uulgi fauores, clamores pauperum, religiosorum necessitates, et aliorum  
quorumlibet importunitates, memor es absentis et longe positi pauperis,  
nec eum immemorem tui fore permittis. Erubescam potius an stupeam  
nescio: sic est mihi miraculo dignatio tua. Quem enim locum gratie, quod  
estimationis indicium<sup>5</sup>, quantum dulcedinis habeam in corde tuo feruens  
et humilis litterarum tuarum testatur series, et Dominus H. de morauill  
sedule deuotionis commendat instantia. Diuertit plusquam xx miliaria  
de uia sua quatinus indiete sibi legationis formulam non segnius prose-  
queretur uel minus fideliter quam iussus est. Satis quantum potuit egit  
pro te, uerbisque suis indubium me fecit fidei simul et spei tue<sup>6</sup> [?]. Verum  
pace tua loquar, pater mi. Nolo siquidem ueritatis preconem electione sua  
falli. De me mihi magis crede quam opinioni tue. Ego me intus et in  
cute noui, cotidiana quasi per speculum probans experientia quale mihi  
de me testimonium prohibeat conscientia mea, et nimia est duricia quam  
non docet experientia. Est itaque nimium quod facis. Non enim sum  
is quem me putas esse. Alium sub nomine meo colis dum me putas

<sup>1</sup> See above, p. 18.

<sup>2</sup> Jesus College, Cambridge, MS. Q. B. 7, fo. 69.

<sup>3</sup> See the original documents edited by Greenwell in the *Feodarium Prioratus Dunelmensis*, p. lxi (Surtees Soc., 1872).

<sup>4</sup> I am indebted to Miss Pogson of the Bodleian Library for the transcript of this letter. The text is occasionally corrupt: I have made a few emendations, giving the manuscript reading in the notes.

<sup>5</sup> MS. *iudiciam*.

<sup>6</sup> This word is partly obliterated in the manuscript.



aliquid esse cum pene nichil sim. Rem uilis precii magnipendis, et, propter titulum religionis quem prefero, feracem estimas esse uirtutis. Sed uerax est testimonium meum de me ipso nec enim in corde loquor et corde, sed sicut sentio iudico ne sic apud me est et non. Miser sum et pauper et latebris dignus, opis indigus, multorum et grauium conscius mihi peccatorum. Verumtamen quisquis sum qualiscumque sum, corde credo et ore confiteor quod totus tuus esse debeo, totus tuus esse cupio, totus tuus sum animi uoto et uoluntatis affectu. Primum, modis quibuscumque potero, sedulus operam dabo ut te fideliter Christo seruientium et in simplicitate cordis querentium illum orationi commendem imprimam affectui inseram deuotioni. Dabo inquam operam ut nomen tuum et memoriale nominis tui in benedictione sit coram eis, quatinus sicut desiderat anima mea, piis eorum mediantibus studiis, diuine tibi propitiationis gratia augeatur et multiplicetur. Dabo operam ut, ad quod minus sufficiens sum ego, uicem meam circa te suppleant quorum est uirtutis habundantia maior. Et tu pater manus eorum et corda subleua, cumulum gratie sicut decet acceptans et obseruans iudicium iusticie dei quatinus hinc timoris incentium concipias, illinc apprehendas spei fiduciam. Hiis stipatus collateralibus circa tuam tibi que commissorum salutem negligens non inuenieris. Quis enim restitit uultui eius cui beneplacitum est super timentes eum et in eis qui sperant super misericordia eius? Gratus igitur esto gratie que te preuenit, uisitauit, promouit, ditauit, et sullimauit corona glorie. Alioquin dabit alienis honorem tuum et implebuntur<sup>1</sup> extranei uiribus tuis, et gemes in nouissimis quando potens poterit et preualebit aduersus te inimicus tuus. Quapropter ut moriatur anima tua morte iustorum et fiant nouissima tua illorum similia, memorare semper quia peremptoria res est ingratitude, hostis uirtutis, inimica salutis. Hac nil in hominibus gratie magis abhominatur anima dei. Caue proinde ne gratia iram operetur. Sepe, sicut dicit beatus sanctus, ire est quod gratie putatur et gratie quod ire. Nil itaque magis tibi tutum quam, etiam que tuta sunt, timore et ut peruigil in gratiarum actione persistens, nomen maioris fortis adimpleas et, pro persona quam portas, nemini parcas ut parcas anime tue. Sublimem optines locum et grandis est honor officii tui, sed huius honoris graue est pondus, et, quo gradus altior, eo ruina deterior. Siquidem grauissimum iudicium hiis qui presunt fiet et potentes potenter tormenta patientur. Periculosa sunt tempora tuque satis insolentem et duram ad regendam sortitus es parochiam in hoc tempore malo. Multa sunt nimirum in Anglorum ecclesia quibus corrigendis necessarium est multum ut multam adhibeas curam. Ipsi sunt in eius persecutione primi qui uidentur gerere<sup>2</sup> principatum. Aput eos in occasionem turpis lucri sacri sunt ordines et questum estimant pietatem. Copiosissime sane caritatis inueniuntur in suscipienda, immo magis accipienda, animarum cura, sed aput eos cura minor et de animarum salute nouissima cogitatio. Quid de ambitiosorum impudentia dicam, que, confusione contempta, sponse Christi faciem in hac<sup>3</sup> insula graui macula fedat, ne dicam inficit letali ueneno? Nec mirum. Ambitio nempe, sicut quidam sapiens ait, subtile malum est, secretum uirus, pestis occulta, doli artifex, magister ypocrisis, liuoris parens, uitiorum origo, criminum

<sup>1</sup> MS. *implebuntur*.<sup>2</sup> MS. *gere*.<sup>3</sup> MS. *in hac in hac*.

fomes, uirtutum erugo, tinea securitatis, cicatrix cordium, ex remediis morbos creans, generans ex medicina languorem. Addam adhuc, que palam coram oculis est, presumptionem abusiois moderne. Ecce, uiris uirtutum maturis, sensu litteratis et exercitatis, postpositis et neglectis, scolares pueri et impubes adholoscentuli ob sanguinis propinquitatem ad ecclesiasticas promouentur dignitates et de sub ferrula, sicut ait alius, transferuntur ad principandum presbiteris, letiores interim quod uirgas euaserint quam quod meruerint principatum, nec tam illis blanditur adeptum quam adeptum magisterium. Hiis et huiusmodi aliis perpluribus que tibi, si quando mihi tui copiam concesserit deus, in aurem secretius et securius susurrabo, quis obuiabit, quis resistet melius quam tu, qui caput in tribubus israel constitutus es? In te concurrunt omnia que plurimum ualent ut talia nunc eliminentur mala, scilicet potentia principis, apud quem specialem habes familiaritatis gratiam, robor etatis ad laboris exercitium habilis debitum officii, cum diuiciis salutis, sapientia uidelicet atque scientia. Quis scit quecunque fuerit hominum intentio de promotione tua, nisi propterea primam tibi sedem huius insule concesserit deus ut appareret zelus tuus modo pro domo israel nec lateret industria? Non est delicata uel secreta tui principatus milicia. Non est dissimulandi locus nec ut dissimules; tanti tibi nunc est habendus honor humanus, quia nullius est ponderis fumus. Ve qui preesse magis desiderat quam prodesse. Quid sic delectet in imis ut tali mortales mentis induat amentiam? Gratis in aperta caligamus luce, nec, cum iam immineat hora calamitatis extreme, quam sit uanum et obnoxium mutabilitati quicquid sortis et conditionis nostre preterit et preterit animaduertere libet. Sic se habent uniuersa sub sole ut nichil sit in eis uere iocundum sed ab uno semper uelit homo transire ad aliud, solaque uicissitudine releuetur utcunque ac si prosiliat de aqua in ignem et inde rursus in aquam, utpote qui neutrum ferre possit. Omne siquidem laboris remedium alterius laboris initium est. Nihil in hoc mundo firmum uel stabile, nichil non incertum et breue, nichil non casui seruiens nec in eodem permanens statu. Cotidie immutatur, cotidie impellimur, cotidie precipiti rotatu miseri circuitus in non esse deuoluimur. Quero heri uiximus, hodie non est immo ipsum hodie non uiuere; in ipso suo esse reperitur non esse; facilius animaduertitur fugisse quam extitisse. Victum quippe citius fugit esse fuisse. Vita denique uapor est ad modicum parens, umbra pertransiens, tepor sompni cotidianum mortis responsum et continuam eius imaginem pretendens. Aduentus illius transitus est esse, fuga, statio, cursus, presentia, lapsus, certitudo, ruina. Anni pretereunt, transeunt dies, hore auolant, momenta labuntur, ipse athomi punctus sub pungentis sollertia euanescit et perit. Si non est, ubi sunt iam uiri illi potentes et diuites, a seculo famosi, in generationibus suis honorum cupidi, in deliciis defixi,<sup>1</sup> et omnimoda uanitate in terra radicati? Quod deuolute sunt tanti nominis umbre? Transierunt immo ex inproviso, ablati sunt et in ictu oculi ad inferos descenderunt; nichil eorum que hic amauerunt secum tulerunt, sed post se omnia reliquerunt. Iam, iam optatum illud felicitatis eorum esse fuisse est. Illud uero improuise infelicitatis in cautum futurum iam est, et, cum sit et eternum sit, non esse non potest. Quid

<sup>1</sup> Quare. The manuscript reads *difficili*. Cf. Zephaniah i. 12 'super viros defixos in facibus'.

est ergo quod<sup>1</sup> in omnibus hiis te prohibere debeat uel possit, ne sicut fidelis seruus et prudens auferas scandala de regno domini dei tui? Facientis procul dubio culpam<sup>2</sup> habet qui quidem potest corrigere [sed] non studet emendare. Et cui fidem, cui fidei debes obsequium, si non ei qui te creauit, redemit de puluere, sustulit, promouit et in solio glorie collocauit? Post modicum forte tollet te factor tuus, lucrum exigens commissi talenti. Vbi tunc fauor aure popularis? Vbi tunc turba clientum? Vbi tunc strepitus adulantium, sibilus tota die acclamantium? Euge, euge qui, malo suo, malum dicunt bonum et bonum malum, ponentes tenebras lucem et lucem tenebras, dulce in amarum et amarum in dulce. Procul stabunt etiam amici simul et propinqui, capita sua super te mouentes et tunc demum dicentes: O quam nichil est homo. Omnis caro fenum et omnis gloria eius quasi flos feni. En fenum aruit et flos decidit. Et: O quid prodest homini si totum mundum lucretur, anime autem sue detrimentum faciat. Unusquisque in sua se recipiet et te solum, sola cum sarcinulis suis comitante conscientia, relinquent ei qui nec astucia falli potest, nec uirtute uinci, nec mercede corrumpi. Oleum peccatoris tunc non impinguet caput tuum. Merito non tam affectas dominari in clero quam forma gregis fieri cui te prefecit dominus. Alioquin alieni iuris inuasor conuinceris. Ad excubias sollicitudinis non ad fastus dominationis prepositus es ouili ouium Christi. Quero si tu quod quidem absit aliud intendebas, et intendis recordare quod acciderit ei cui dictum est: Quomodo huc intrasti non habens uestem nuptialem? Obmutuit et, ligatus manus et pedes, proiectus est in tenebras exteriores. Iccirco, dum licet et locus est, uocabulum nominis tui interpretare, superintendens tue tibi que commissorum utilitati et saluti. Officium episcopi est necessitatibus indigentium prouidere non propriis incubare diuiciis. Illorum minister dispensator et seruus ordinatus es, ut non solum impendas ad comodum et profectum eorum que possides, sed et insuper tu ipse libenter impendaris. Erarium ecclesie res pauperum est precium sanguinis patrimonium crucifixi. Et certe, sicut ait quidam sanctorum, pars est sacrilegii res pauperum pauperibus non erogare. Precium uero sanguinis, scribis testibus et phariseis, in corbanan mittere non licet. At qui uoluerit hereditate possidere patrimonium crucifixi ponetur ut rota, que cum a posterioribus sustollitur cadit in anteriora. Superest igitur ut uoluntatem domini tui sciens eius ordinationi non resistas, sed, memor mandatorum eius, ad faciendum ea terminis contentus sis quos posuerunt patres tui, quorum uidelicet laus est in ecclesia sanctorum. Talibus studiis honorificabis misterium, sic gratiam quam amico<sup>3</sup> mediante promereri desideras consequeris, et gratus gratie, gratiam pro gratia, nequaquam committenda<sup>4</sup> sed felicius accumulanda, mirabili commercio sortieris. Cum quam occupato uerbosor<sup>5</sup> et quam multis debitos oculos pagina proluxiore detineo; negligere me facit propositum sollicitudinis, affectus, deuotionis, libertas amoris. Sed iam finem facio, Christum exorans qui finis est ad iusticiam omni credenti, ut per ipsum hic nunc diu bene possis uiuere atque post hanc uitam in eternum beate cum ipso regnare.

<sup>1</sup> MS. *quidem*.<sup>3</sup> MS. *amicorum*.<sup>2</sup> MS. *cupam*.<sup>4</sup> MS. *committenda*.<sup>5</sup> For the verb 'uerbosari', used by St. Augustine, see Du Cange, *s.v.* 'uerbosus'.

## *The Battle of Edgehill*

BY the use of a number of new manuscript authorities and of some printed sources not noticed either by the late Mr. S. R. Gardiner or by Colonel W. G. Ross in the list which he contributed to an early volume of this Review,<sup>1</sup> it is possible to construct a fuller and more satisfactory account of the battle of Edgehill than either of those given by these two writers.

The first point to be considered is the strength of the opposing armies at Edgehill. Colonel Ross, whose conclusions were accepted by S. R. Gardiner, showed that the parliamentarians had twelve regiments present, forty-two troops of horse, and 700 to 1,000 dragoons. He reckoned the foot at 11,000 and the horse at 2,000 to 2,300.<sup>2</sup> The nominal strength of twelve regiments would be 14,400 and of forty-two troops 2,520.<sup>3</sup> This estimate, therefore,

<sup>1</sup> Neglecting newspapers and unimportant pamphlets it is now possible to add six additional sources, two of great value, to the thirty-two, of varying quality, enumerated by Colonel Ross (*ante*, ii. 533-43). On the parliamentary side there is *The Vindication and Clearing of Sir James Ramsay*, which contains the decision of a council of war at St. Albans on 5 November 1642 on his conduct at Edgehill. The five new royalist sources are: 1. A letter from 'M.S.' to his mother (no. iii below). 2. *Britannicæ Virtutis Imago*, a life of Sir John Smith written by Edward Walsingham and published at Oxford in 1644. (This, alone among the six authorities here mentioned, was used by Gardiner in his *Great Civil War*.) 3. *A Briefe Relation of the Life and Memoires of John, lord Belasyse*. This was written and collected by his secretary, Joshua Moone, and printed in 1903 in *Ormonde MSS.*, N.S., ii. 376-99. The part dealing with the first civil war was written in 1650, *ibid.* pp. xv. 376. This is very valuable because it is the only detailed account of a royalist who fought on foot. 4. *Letter of memorial to King Charles II from Sir John Hinton*, physician in ordinary to his majesty's person, A.D. 1679 (Ellis, *Original Letters*, 3rd series, iv. 297-311). 5. *Life of James II*, ed. J. S. Clarke, 1816. The description of the battle is wholly drawn from the original memoirs of James, and is extremely useful. James must have had ample opportunity of comparing his own boyish recollections with those of other royalists who survived, and, as a soldier himself, would appreciate the value of the information he received. It is remarkable that Gardiner altogether ignored this work when writing his *Great Civil War*. In addition there is a warrant of Charles I dated 16 November 1642 (no. iv below) for the payment of nineteen regiments, called after their colonels. It is a considerable benefit to have an official list of the regiments in existence three weeks after Edgehill, since the army of Charles was constantly changing, an inevitable result when a force is raised by local influence alone. The list of authorities given by E. A. Walford, *Edgehill: the Battle and Battlefield*, 2nd ed., 1904, is inexact and uncritical.

<sup>2</sup> That is, 3,000 minus either 1,000 or 700 dragoons. For my calculation I have assumed that the dragoons numbered 700.

<sup>3</sup> 'Every regiment consists of 1,200 besides officers' (*The list of the Army raised*

assumes that Essex's army was 22 per cent. under strength. Even allowing for the fact that Essex was fighting in a Puritan centre this reduction for desertion does not seem excessive. With regard to the royalist infantry, Colonel Ross states that there were nine regiments, containing 9,000 to 10,000 men, or, in other words, that they were fully up to or even above strength, since the nominal number of a regiment was 1,000.<sup>1</sup> It would be very remarkable if there were no desertion at all from Charles's army. On the other hand, of the only two royalist narrators who fought on foot, one speaks of 12,000 infantry, the other of nearly 10,000.<sup>2</sup>

The explanation is that there were more than nine regiments. The reason why Colonel Ross spoke of nine regiments would seem to be that the *Official Parliamentary Account*<sup>3</sup> mentions that their opponents came up in 'nine great bodies': the *Life of Belasyse* also refers to the foot, 'divided into nine bodies'. It is a natural, but not inevitable, conclusion, that each 'body' only contained one regiment. Instead of accepting this conclusion it is preferable to discover the regiments which actually took part in the fighting. The most useful guide to their identity is the *True Relation* written by a deserter or prisoner and published by order of parliament.<sup>4</sup> This authority gives the names of the colonels of five regiments which suffered severely at Edgehill: the earl of Lindsey,<sup>5</sup> Sir Ralph Dutton, Thomas Blagge, Richard Bolle, Sir Lewis Dives. There were also present the king's guard, commanded by Lord Willoughby, and the regiments of John Belasyse,<sup>6</sup> Sir Edward Fitton,<sup>7</sup> Richard Feilding,<sup>8</sup> Charles Gerard,<sup>9</sup>

*under Robert Earl of Essex, 1642*). Cf. Peacock, *Army Lists*, 1874, p. 46. 'Each troop consisting of 60 horse; besides 2 trumpeters, 3 corporals, a sadler, and a farrier' (*ibid.* p. 47).

<sup>1</sup> 'Every regiment containing about a thousand soldiers' (Peacock, p. 10). This is confirmed by the fact that Belasyse's regiment is said to be 1,000 strong (*Ormonde MSS.* ii. 379). Cf. Clarendon, *History*, vi, § 62 n.

<sup>2</sup> *Ormonde MSS.* and the letter of 'M.S.'

<sup>3</sup> Printed in Rushworth, III. ii.

<sup>4</sup> 3rd December 1642.

<sup>5</sup> It is surprising that S. R. Gardiner, *Great Civil War*, i. 48-9, should place Lindsey at the head of the royal foot guards. The only authority for this is Bulstrode (*Memoirs*, p. 80), who is directly contradicted by Clarendon: 'The general himself alighted at the head of his own regiment of foot, his son the lord Willoughby being next to him with the king's regiment of guards' (*History*, vi. 82; cf. 85). The *Official Royalist Account* and other authorities corroborate Clarendon. It is noticeable that the *True Relation* does not include the king's guard or red regiment amongst those that suffered most severely.

<sup>6</sup> His regiment, raised in Yorkshire, was about 600 strong when he joined Charles at Nottingham (Clarendon, *History*, vi. 62 n., from *Life*) and recruited up to 1,000 (*Ormonde MS.* ii. 379).

<sup>7</sup> Under whom 'M.S.' served.

<sup>8</sup> Wounded, captured, and rescued at Edgehill (Carte, *Letters*, i. 12; Ellis, *Original Letters*, 2nd series, iii. 304; *Britannicae Virtutis Imago*).

<sup>9</sup> Dangerously wounded (Clarendon, vi. 94).

Sir Edward Stradling,<sup>1</sup> and Sir Thomas Lunsford.<sup>1</sup> There are thus twelve regiments present at Edgehill, and there may possibly have been more whose services remained unchronicled, since Charles had nineteen three weeks after the battle.<sup>2</sup> Deducting for desertion the same proportion from the royalists as from the parliamentarians, Charles would have slightly less than 9,500 foot. He had also about 2,500 horse and from 1,200 to 1,500 dragoons.

As regards numbers the two armies were thus not unevenly matched, but the parliamentarians were much better equipped. They had the supplies in the Tower, brought thither from Hull, which had been the magazine for the Scots war, and the munitions which Henrietta Maria dispatched to her husband from Holland but which were captured at sea.<sup>3</sup> Charles, however, had to depend on private stores and the weapons of the militia, when he could seize them. These resources proved rather inadequate. Clarendon, writing of Edgehill, states that

the foot (all but three or four hundred who marched without any weapon but a cudgel)<sup>4</sup> were armed with muskets and bags for their powder, and pikes; but in the whole body there was not one pikeman had a corslet, and very few musketeers who had swords.

He adds that 'there were many companies of the common soldiers who had scarce eaten bread in eight and forty hours'. As for the horse,

the officers had their full desire if they were able to procure old backs and breasts and pots,<sup>5</sup> with pistols or carbines for their two or three front ranks, and swords for the rest; themselves (and some soldiers by their examples) having gotten, besides their pistols and swords, a short pole-axe.<sup>6</sup>

According to the same writer Charles's artillery train 'was but mean' and badly supplied. Essex, on the other hand, had ample artillery, but only half of it arrived on the battlefield in time.<sup>7</sup>

The next step is to consider how the two armies were drawn up. It is clear that the parliamentarians were in two lines. On their extreme right were some dragoons. Then came three regiments of horse, of which two, Balfour's and Stapleton's, were in the front, and Feilding's in the rear. Next were the infantry, 'most of them a good space behind the horse, when we began to

<sup>1</sup> Captured by the parliamentarians (Clarendon, vi. 94; Carte, i. ii; and parliamentary authorities).

<sup>2</sup> At least he issued a warrant for the payment of nineteen. Below, p. 43.

<sup>3</sup> Gardiner, *Great Civil War*, i. 36-7.

<sup>4</sup> Bulstrode (*Memoirs*, 75, 85-6) mentions 'hundreds of Welchmen' who 'had no arms but pitchforks, and such like tools, and many only with good cudgels'.

<sup>5</sup> A light headpiece (C. H. Firth, *Cromwell's Army*, p. 118.)

<sup>6</sup> *History*, vi. 73, 83.

<sup>7</sup> Firth, pp. 152-3

charge'.<sup>1</sup> There were three brigades, Meldrum's<sup>2</sup> on the right, then Charles Essex's,<sup>3</sup> and Ballard's<sup>4</sup> in the rear, apparently stationed towards the left, since we are told that 'before it, towards the outside of it, stood our left wing of horse, advanced a little forward to the top of a hill'.<sup>5</sup> These twenty-four troops of horse were led by Sir James Ramsay, and were 'lined' with 400 musketeers from Holles's regiment and 200 from Ballard's. How the artillery was arranged is uncertain, except that there were guns 'lined' among the horse.<sup>6</sup>

The arrangement of the royalist infantry offers a more difficult problem. It is unfortunately impossible to discover how the regiments were brigaded. It is clear that there were three brigades,<sup>7</sup> but who commanded them and where they were stationed are less obvious. The *Life of Belasyse* says he commanded the right brigade; the *Life of James* gives Charles Gerard as its leader. The explanation of this discrepancy may be that Gerard commanded at the beginning of the battle, but that, when he was severely wounded,<sup>8</sup> his place was taken by Belasyse. In the royalist centre was the brigade of Sir Nicholas Byron, comprising the king's guard, Lindsey's own regiment, and probably two others which cannot certainly be named.<sup>9</sup>

<sup>1</sup> Fiennes, *A most true and exact relation*.

<sup>2</sup> Containing the regiments of Roberts, Constable, Meldrum (or Saye), and Fairfax—the last named being in the rear. That Meldrum commanded Saye's regiment of blue-coats is only asserted by J. B., *Special News from the Army*, but the statement seems probable, since a regiment of blue-coats was at Oxford during Saye's sojourn there in September 1642 (Anthony Wood, *Life and Times*, i. 62, 65).

<sup>3</sup> The regiments were: his own, Wharton's, Mandeville's, and Cholmley's.

<sup>4</sup> The earl of Essex's, Ballard's, Brooke's, and Holles's.

<sup>5</sup> *Official Parliamentary Account*. The height of this hill is given as 300 feet in the ordnance map.

<sup>6</sup> Bulstrode, p. 81; letter of Lord Bernard Stuart.

<sup>7</sup> *Ormonde MSS.* ii. Clarendon describes the army at Shrewsbury: 'The foot were divided into three brigades; the first commanded by Sir Nicholas Byron, the second by Colonel Harry Wentworth, and the third by Colonel Richard Feilding' (vi. 74). I am unable to find any mention of Wentworth as having taken part in the battle; he is not in the list of the king's army given by Peacock, nor does his name appear in the *True Relation*. Although I cannot actually prove an alibi for him, I think it is extremely improbable that he could have been present in command of a brigade and escaped notice altogether.

<sup>8</sup> Clarendon, vi. 94.

<sup>9</sup> This brigade is usually placed on the extreme left of the infantry (thus W. G. Ross, *ante*, ii. 542). Nevertheless, apart from the inherent probability that the best regiments would be in the centre, there is good evidence to support this. The *Life of Belasyse* distinctly says that Belasyse was on the right and Lindsey next. The *Life of James II*, after mentioning that the right wing stood firm, continues: 'had his Majesty's two wings given way, those in the main-battell could have made no long resistance.' I have no doubt that the 'main-battell' was the brigade of Byron, and not the left wing, which is here separately mentioned as having given ground, and which in the *Life of Belasyse* is said never to have come to the charge. Thus it is easy to see how the *Official Parliamentary Account*, describing the middle of the battle, calls the brigade where Lindsey was the left. It had become the left owing to the failure of the original left to advance with the other two brigades.

On the left was the remaining brigade commanded by Colonel Richard Feilding.<sup>1</sup> The question of the tactics to be employed led to the well-known quarrel between Lindsey and Rupert. The former preferred the Dutch formation for the infantry, that is, ten deep; the latter favoured the Swedish method, whereby the foot were drawn up six deep, and this opinion prevailed.<sup>2</sup> We are also told that at Edgehill 'before every body of foot were placed two pieces of cannon, and before them the dragoons, and 1,200 commanded musqueteers as Enfants Perdu'.<sup>3</sup> The same authority adds that the parliamentary army was 'drawn up in several bodies and reserves, much in the same manner of our, but plainer order'.<sup>4</sup> But the great difference between the marshalling of the foot of the two armies was that the parliamentarians were in two lines, but the royalists, at least when they began to advance, 'came up all in front'.<sup>5</sup> The battle began in the afternoon<sup>6</sup> with an artillery duel commenced by the parliamentarians. According to one of their captains,

my Lord General did give the first charge, presenting them with pieces of ordnance, which killed many of their men, and then the enemy did shoot one to us, which fell 20 yards short in ploughed land and did no harm.<sup>7</sup>

A royalist acknowledges that they had the worst of the preliminary firing :

the King had so great an advantage of the hill that it turned to his disadvantage, for being so much upon the descent his cannon either shot over or if short it would not graze by reason of the ploughed lands, whereas their cannon did some hurt having a mark they could not miss.<sup>8</sup>

The cannonade did not last long. As soon as his dragoons had driven in the opposing musketeers and dragoons<sup>9</sup> Rupert prepared to charge. Before advancing, however, he

passed from one wing to the other, giving positive orders to the horse to march as close as was possible, keeping their ranks with sword in hand, to receive the enemy's shot without firing either carbine or pistol, till

<sup>1</sup> Clarendon, vi. 74, assigns a brigade to Feilding, and *Britannicæ Virtutis Imago* mentions his deliverance from captivity by Smith, who was on the left.

<sup>2</sup> C. H. Firth, *Cromwell's Army*, pp. 95-6; Clarendon, vi. 78; Bulstrode, pp. 79-80.

<sup>3</sup> *Ormonde MSS.* ii. 380. On the forlorn hope, see Firth, pp. 102-3.

<sup>4</sup> Cf. Bulstrode, p. 80.

<sup>5</sup> *Official Parliamentary Account*. On the other hand, the *Life of Belasyse* states that the royalist 'bodies' were five in front and four in reserve. This may have been the original formation, but the statement of the parliamentarians seems decisive for the formation when the fighting began. Presumably, in some cases, two weak regiments were joined together to form one 'body'.

<sup>6</sup> 'Past 2 in the afternoon': *Official Royalist Account*.

<sup>7</sup> *A full and true Relation*, by Captain Edward Kightley. Fiennes and other parliamentary authorities claim that their shot did far more damage than the royalists'.

<sup>8</sup> Harl. MS. 3783, fo. 61, printed below, p. 39.

<sup>9</sup> Bulstrode, p. 82, who charged with Rupert (*Official Royalist Account*).



we broke in amongst the enemy, and then to make use of our fire-arms as need should require : which order was punctually observed.<sup>1</sup>

These excellent tactics were scarcely tested. As the cavalry advanced, Sir Faithful Fortescue and his troops rode out from the parliamentary ranks and joined the oncoming royalists. Dismayed by this treachery, the whole of the right wing under Ramsey ' unskilfully discharged their carbines and pistols into the air, wheeled about ', and fled in disorder.<sup>2</sup> Thereupon the whole of Charles Essex's brigade of foot ' at the very first wholly disbanded and ran away, without ever striking stroke or so much as being charged by the enemy ', while the regiment of Holles was broken by the fugitive horse.<sup>3</sup> At this stage, remarks Fiennes, the day was very desperate on our side ; and had not God clearly fought for us, we had lost it, for had the enemy's horse when they had routed the left wing, fallen upon the rear of our right wing, in all probability the army had been wholly defeated.

But Rupert's troops rushed blindly forward in pursuit, and their leader could no longer control them.<sup>4</sup> To make matters worse, the reserve of horse joined in the pursuit contrary to orders.<sup>5</sup> Their headlong career was only checked when they met a parliamentary force under John Hampden hastening to the battle-field.

Meanwhile the left wing under Wilmot was also successful, though they had difficult country beset with hedges to fight in. But after Sir Arthur Aston had driven off the opposing musketeers with his dragoons, ' the right wing of their horse was as easily routed and dispersed as their left ', and the royalists on this side of the field joined in the pursuit as recklessly as those on the other side. The royalist reserve, adds Clarendon,

seeing none of the enemy's horse left, thought there was nothing more to be done but to pursue those that fled, and could not be contained by their commanders, but with spurs and loose reins followed the chase which their left wing had led them.<sup>6</sup>

Unfortunately for Charles, Wilmot had only routed Feilding's regiment of horse in reserve<sup>7</sup>—apart from either breaking or frightening Sir William Fairfax's regiment of foot, which fled in disorder<sup>8</sup>—and had missed Balfour and Stapleton altogether.<sup>9</sup>

<sup>1</sup> Bulstrode, p. 81. Cf. Lord Bernard Stuart's letter, printed below, p. 38.

<sup>2</sup> Clarendon, vi. 84.

<sup>3</sup> *Official Parliamentary Account*.

<sup>4</sup> *Life of James II.* This is confirmed by the unsigned narrative printed in Carte's *Letters*, i. 8. There are two copies of this narrative in the Bodleian Library, Carte MSS. 3 and 65.

<sup>5</sup> *Official Royalist Account*.

<sup>6</sup> Clarendon, vi. 85.

<sup>7</sup> This is Gardiner's conclusion.

<sup>8</sup> Two parliamentary pamphlets—*A more true and an exacter Relation*, by T. C., and *Speciall Newes from the Army*—mention that all Fairfax's men ran, though the officers stood their ground. The *Official Royalist Account* claims that hostile regiments on both flanks were routed by the cavalry charges.

<sup>9</sup> The royalist narrative in Carte, *Letters*, mentions ' 3 or 4 troops which were placed as a reserve in a corner of the field undiscovered and so unchanged by our horse '.

As the royalist infantry advanced they must have thought the battle already nearly won. They might well have believed that Meldrum's brigade of foot was the only compact body left to fight.<sup>1</sup> Nevertheless, at this moment the tide of victory ebbed. Their left brigade never came to the charge at all, because they were the victims of the charge described by Fiennes :

Sir William Balfour's regiment of horse charged a regiment of the enemy's foot, before any foot came up to assist him, and breaking into it, cut most of it off ; and after, by the assistance of some of our foot, he defeated another regiment, and so we got up to the greatest part of the enemy's ordnance, cutting off the gears of the horses that drew them, and killing the gunners under the carriages, but were forced to leave them without any to guard them, by reason we were fain to make good the day against several regiments of foot that still fought with a good deal of resolution, especially that which was of the King's Guard.<sup>2</sup>

Owing to this disaster Byron's brigade suddenly became the left with its flank exposed as it moved forwards across the field to attack Meldrum.<sup>3</sup> A charge of Stapleton's horse was successfully repulsed,<sup>4</sup> and then a fierce struggle at push of pike followed, at first only with the regiments of Roberts and Constable, and then with Essex's own regiment and Lord Brooke's.<sup>5</sup> The struggle is well described by James II :

When the royal army was advanced within musket shot of the enemy, the foot on both sides began to fire, the king's still coming on, and the rebel's continuing only to keep their ground ; so that they came so near to one another that some of the battalions were at push of pike, particularly the regiment of guards commanded by the lord Willoughby and the general's regiment, with some others ; insomuch that the lord Willoughby with his pike killed an officer of the earl of Essex his own regiment, and hurt another. The foot being thus engaged in such warm and close service, it were reasonable to imagine that one side should run and be disordered, but it happened otherwise, for each as if by mutual

<sup>1</sup> The *Official Parliamentary Account* distinctly states that the rear 'marched up the hill, and so made all the haste they could to come to fight'. Thus the four regiments in the rear might have been at first invisible to the royalists.

<sup>2</sup> Fiennes was in Balfour's regiment. Cf. *Official Parliamentary Account*, where there is the additional information that Balfour 'pursued the fliers half a mile upon execution'. The position of these defeated royalist regiments is nowhere stated, but can be assigned to the left by a process of elimination. Also the *Life of James* mentions regiments on the left wing that had given ground. *The Official Royalist Account* has the following brief statement : 'the left side of our foot being put into disorder, all the rest gave way ; yet those of the right hand were never put into disorder.'

<sup>3</sup> There seems no doubt that Byron was deflected to the left, in order to attack the only enemy in his immediate front for the moment.

<sup>4</sup> Ireton, who charged with Stapleton, admits this (*Memoirs*, i. 47, ed. 1698).

<sup>5</sup> *Official Parliamentary Account*, which only mentions two regiments, the king's guard and Lindsey's. I suppose the other regiments of this brigade fled at an early stage. Several authorities on both sides mention that some of their respective regiments bolted before serious fighting began.

consent retired some few paces, and then stuck down their colours, continuing to fire at one another even till night; a thing so very extraordinary, that nothing less than so many witnesses as were there present, could make it credible.

Unfortunately for Byron's hard-pressed men the infantry in their front—the flower of the parliamentary foot—did not constitute their sole danger. They were now assailed in the flank by Stapleton and in the rear by Balfour. To add to their misfortunes they mistook Balfour's horse for their own cavalry, just as they themselves were at first mistaken for parliamentary foot.<sup>1</sup> Attacked by these superior numbers, the royalists gave way. Lindsey's regiment seems to have been cut to pieces, and Lindsey himself wounded and captured. His son Willoughby tried to rescue him, but only succeeded in sharing his captivity. The king's guard was broken, too, and the royal standard seized from Verney's lifeless hand, only to be recovered later by Smith.<sup>2</sup> Belasyse's regiment, the next in the line, was involved in this disaster, and driven back across the field to the original left brigade, which had by this time reformed.<sup>3</sup> A complete rout was only averted by the heroism of two regiments on the right, which retired orderly, and at last made a stand; and having the assistance of cannon, and a ditch before them, held us play very handsomely. And by this time it grew so dark, and our powder and bullet so spent, that it was not held fit we should advance upon them.<sup>4</sup>

At this stage the royalist horse returned from the pursuit, but so disorganized that a single parliamentary troop routed five of their enemy.<sup>5</sup> The cavalry, says Clarendon,

could not be persuaded or drawn to charge either the enemy's reserve of horse . . . or the body of their foot . . . the officers pretending that their

<sup>1</sup> Fiennes mentions that some of Balfour's troopers actually shook hands with soldiers of the king's guard and were fired upon in consequence by Stapleton—an incident noted by Ludlow. I have no doubt that this mutual mistake is the foundation for Clarendon's accusation of treachery against Balfour (vi. 85).

<sup>2</sup> Gardiner accepts Ludlow's statement that Smith recovered the standard by an artifice, and rejects Walsingham's statement that it was captured after Smith had attacked six horsemen and Essex's secretary (Chambers) (*Britannicæ Virtutis Imago*, pp. 13–14). The *Life of Belasyse* mentions that the standard was recovered by Smith with a party of horse, as he returned from following the chase. No other parliamentary source supports Ludlow, and it is extremely improbable that, at a time when charges of treachery were frequent, this alleged instance of trickery would have escaped notice.

<sup>3</sup> *Ormonde MSS.*: 'In this right wing of the king's foot my lord [Belasyse] charged with his pike close by my lord Lindsey, as also very many gallant officers, most of which were killed or taken. He only received a slight hurt upon his head, and had the good fortune to recover with sir Jacob Ashley, the major-general, and some others our foot upon the left wing, who never came to charge at all, so they stood entire.'

<sup>4</sup> *Official Parliamentary Account*. Most hostile narratives praise the bravery of these two regiments. James II implies that their stand saved the day.

<sup>5</sup> *Official Parliamentary Account*; Fiennes.

soldiers were so dispersed that there were not ten of any troop together, and the soldiers, that their horses were so tired that they could not charge.<sup>1</sup>

Then night, 'the common friend to wearied and dismayed armies', parted the hostile forces, and the first drawn battle of the civil war was over.

Satisfactory data as to the number of casualties are lacking. The highest computation is that of Thomas May, who records that he had

heard that the country people thereabouts, by burying of the naked bodies, found the number to be about six thousand that fell on both sides, besides those that died afterwards of their wounds.<sup>2</sup>

In opposition to this exaggeration may be placed the statement of Fiennes that the parliamentarians only lost from 200 to 400, excluding wagoners and boys, and the calculation of Clarendon that the royalist forces were found to be diminished by only 300 when the fugitives had returned to their ranks. On the whole it is evident that the royalists suffered the heavier casualties. They lost—killed, wounded, or captured—three or four times as many officers in the higher commands as the parliamentarians, and their centre was broken and nearly surrounded without much chance of flight. Whereas the parliamentarians declared that they cut to pieces several opposing regiments, no such claim is advanced on the other side. Rupert scattered his enemies but killed few: the royalists themselves acknowledge the havoc wrought by Stapleton and Balfour. Probably Lord Bernard Stuart is approximately correct when he says of Charles's army, 'what is killed and run away I think is about 2500 and that is the most'. Probably the parliamentarians had as many temporary fugitives but far fewer permanent losses, since the run-aways would be intercepted in many cases by the fresh regiments hastening to join Essex.<sup>3</sup>

G. DAVIES.

## I

British Museum, Harl. MS. 3783, fo. 60.

### *A brief relation of the battle at Red horse field under Edgehill*<sup>4</sup>

We marched on Sunday morning from Edgecot to Edgehill which is 5 miles to fight with them there. After our men were put into battalia and the cannon planted we gave fire with our cannon and then charged them with both wings of our horse. They stood still all the while upon the hill expecting the charge so that we were fain to charge them uphill

<sup>1</sup> Clarendon, vi. 86. The story of Falkland's urging Wilmot to make a final charge and Wilmot's refusing comes from the *Life*, *ibid.* vi. 79 n.

<sup>2</sup> *History of the Parliament*, ed. 1854, p. 264.

<sup>3</sup> Kightley himself stopped some of them (*A full and true relation*).

<sup>4</sup> I have to thank Mr. C. H. Firth for lending me his transcripts of this and the following manuscript and for helping me in many other ways.

and leap over some 5 or 6 hedges and ditches. Upon our approach they gave fire with their cannon lined amongst their horse, dragooners, carabines and pistols, but finding that did nothing dismay the King's horse and that they came more roundly to them with all their fire reserved, just when our men charged they all began to turn head and we followed an execution upon them for 4 miles together. The left wing did the very same where Wilnot commanded. A great many of them saved their lives by getting our word For God and King Charles. Had our reserve of horse not mistaken but stood still in their place they were commanded, we had given them as absolute a defeat both of horse and foot as ever was given.

It was equally divided by these foot till night. A troop of their reserve did charge among our foot where they did a great deal of hurt, and took my Lord Lindsey prisoner (who is wounded) and my Lord Willoughby, Colonel Vavasor, Colonel Lunsford, Sir Edward Stradling and Sir H. Ridley,<sup>1</sup> who are all prisoners in Warwick. But this loss Sir Charles Lucas with some others and their troops did suddenly redeem for he hath cut off four of their foot regiments, and taken a whole bag full of their foot colours. They have lost in all 58 colours horse and foot and we some 12 at most. We have taken 7 pieces of their cannon. Prince Rupert hath forced the E[arl] of Essex and his men to retire into Warwick with so much haste that the Prince hath 30 of his carriages, set fire on 4 carriages of powder. The rebels were more of horse and foot before the battle but now are reduced to a great deal less number by 10000; for what is killed and what is run away I am sure he hath lost so many. The K[ing] had 12000 foot before the battle. What is killed and run away I think is about 2500 and that is the most: he hath 10000 foot yet remaining and hath not lost 40 horse of his whole number he had before. They are reduced to 4000 and that is the most. The K[ing] hath taken Banbury yesterday and the castle which held within it both 1500 men and a troop of horse. This day he is gone for Woodstock and tomorrow for Oxford and marches straight for London &c.

BERNARD STUART.

## II

British Museum, Harl. MS. 3783, fo. 61.

From London.

On Saturday 22 of this month the quartermasters of the king's rear and those of the earl of Essex van met in one place near Banbury. On Saturday the king (contrary to the earl's expectation) did not march, so that the earl must either fight or hazard to retreat through such ways as would be dangerous to extremity. The king had so great an advantage of the hill that it turned to his disadvantage, for being so much upon the descent his cannon either shot over, or if short it would not graze by reason of the ploughed lands: whereas their cannon did some hurt having a mark they could not miss. Prince Rupert did not let them long dally with great shot, but by the general confession of his enemies did make lanes wherever he went. The left wing of the earl's army dis-

<sup>1</sup> A private captain in Lindsey's regiment (*True Relation*).

charged at 40 yards distance and then ran away all before they received or gave one blow in that wing where three regiments of foot besides the greatest part of the horse, so that the king's horse pursued them in execution till they came to the carriages which they fired that were with ammunition or plundered that were with goods, took the earl's coach, his privy purse with £2000 and, they say, very much of the public too. And doubtless had not the soldiers been too greedy and busy on the spoil, the earl's whole army had been routed. But in the meantime the battalia of the earl leads up to the king's, and by the courage of the apprentices (I mean butchers and dyers [?]) with a very few others under the command of Hollis and Haslerigge a great impression was made in the king to the very standard, the bearer whereof, sir Edmund Varney, knight marshal, was slain and that taken, but in less than 6 minutes space recovered. In this action the earl of Lindsey received a shot in the thigh, which brake the bone. He was straight carried to a little village hard by and by some clowns discovered to the earl's commanders, and by them carried from thence to Warwick, where he died. His son is dangerously hurt and taken, my lord Aubigny slain. On the other side my lord St. John and the lord Feilding, but as yet we cannot know the certainty of prisoners or dead. Night made them sound a retreat, of both sides say the parliamentarians. I shall not contradict it. This I am sure that the king was master of the field where he dined the next day upon a drum head and stayed within 4 miles till the dead were buried. The same night of the battle he made great fires in his quarters. The earl made none. The king hath 9 of their cannon, all their carriages and 56 colours. Prince Rupert the next morning before day with some of his troop set upon some of the earl's troops in some villages and slew them. The king that day, Monday, appeared again in battalia, but the earl retreated to Warwick. The same day there came to the king an entire regiment of divers officers and pieces of companies from the adverse party.

Here are in this town sir James Ramsey, the commissary general of the earl's horse, the lord Hastings and divers other captains now in prison who came away believing they were the only surviving men. On Wednesday the lord Wharton and Mr. Strowd, who are thought on the one side, but confidently reported on the other side to have run away, came into St. Margaret church and gave in the sermon a paper to the preaching master<sup>1</sup> Case to give God thanks for the victory, being 3000 slain on the king's side and 300 on theirs. He did it an hour together, throwing such abominable dirt on private men and making such strong expressions to Almighty God that I tremble to think on them. After sermon the house sat and Mr. Strowd had very many questions put to him, but he answered with so much distraction and so contradictorily that at last he desired my lord Wharton and he might confer together and that the next day he would give a better account. I must tell you some passages, though confusedly enough. Prince Rupert came to the king, and besought him to go out of the field protesting he would not else strike a stroke. The king did, but straight returned, and (I speak it on good ground) did charge gallantly, as forward in danger and in all things

<sup>1</sup> 'Mr' in manuscript. Possibly the expansion should be minister.

showing as much dexterity, presence of mind and personal courage as any man. He is said to be at Oxford last night for all the victory God was so bethanked. On Wednesday night late the children were carried from St. James into the city for the place's security, though the women with tears besought the contrary, the house not being aired, the children sickly and the night late. They fortify Westminster etc. but give God thanks and pray heartily.

## III

Bodleian Library, Ashmole MS. 830, fo. 292.

Dear Mother,

I am very thankful to God to receive the glad news of your health and my friends in Cheshire. It did much trouble me to depart from you as I did, but I thought it better to do so than to take a more serious leave which might have occasioned more compunction and have prevailed nothing to alter my resolution which had before engaged me to wait on Sir Edward [Fitton] in this business which my conscience powerfully tells me is the most noble just and christian cause that can be defended. And I wish as I hope God will bless with an happy success being for the defence of His own truth and His own anointed for believe me nothing else should have carried me so far from you, no sinister or by respect in all the world. And did I in my soul believe that this cause were not right you may not conceive I am not so lost a man in the world as to hazard my life and estate so rashly or could I suspect any inclination or the least smiling at all towards papistry, tyranny or any other either false religion or government in it, my soul is so precious (I praise God) that I would sooner lose all the world than suffer it to shipwreck [?]. A true Protestant christian I was born, baptised into the true faith of Christ, promised and vowed to maintain it and so by God's grace I will to my last blood, and am satisfied that to die in this faith will be a glorious martyrdom, for to me to live is and to die is gain. You desire to know the truth of our battle and I am very willing to satisfy you, that gladly I could write but have not time to be long. A word or two of truth is better than a thousand lies and I protest before God I will not falsify a syllable to my knowledge.

On Sunday the 23 Oct. about 2 o'clock in the afternoon in a part of red-horse-vale, called Keinton fields, our armies joined but with great disadvantage they being 18000 men (foot) or thereabouts, and we not 10000 at most (foot), they too having stayed there all night refreshed and ordered their men and not having marched 5 miles that day very fast without ordnance & all to meet them. Our horse quite put to flight and worsted all theirs, chased them 3 or 4 miles together. But our foot was harder held to it and fought with doubtful victory till night parted them. But as I do faithfully believe they lost 5 men or ten of their foot for one of ours besides so many hundred that fled and overrun them, as too many also did from us, more I think than were slain in the field, amongst whom my good cousin Massy was one, but I hope he will be met with if in England. You may consider who had the better by this, that all their horse was either slain or put to flight; we brought off 9 pieces of

their ordnance and lost not one of our own, took many of their carriages and burnt a great deal of their ammunition, kept the field that night, stayed there next day till afternoon but they never offered to stir, and the king was unwilling to draw down his soldiers having watched all night and wearied with the last day's service, so away we marched for London. They retreated back to Warwick since when we saw them not, but have past hither through Banbury, Oxford, Abingdon & Reading (where we looked for great opposition) in great safety and quickness. We are now before Windsor Castle (one of the King's chief houses) which is held from him, but what his Majesty resolves to do I know not yet. The Lord grant we may in his good time rec[eive] some comfortable hopes of our former peace which I desire may be your daily prayers for us, that so we may again return to our former love and holy worship of God and all faction, sedition popery and atheism being routed out we may sincerely worship and serve God in this life and be glorified by him in the world to come. Amen.

Windsor Forest.

November 9, 1642.

The king is stronger both horse and foot a great deal than he was that day in our last battle, at least 3000 foot more and very near 5000 horse.

The bearer being commanded by some gentlemen to stay after I had writ thus enclosed, it hath pleased God that we have since the date of it done something that is not to be passed over without both relation and thanksgiving. We marched from Windsor next morning before day two hours, expecting some service that day but missed, no enemy appearing, and for that night lay at Oatlands, the king's own house. That was Thursday. Next day we wheeled about to a little town on the other side of the river of Thames called Ashford, where we stayed that night. Saturday very early we marched on again, and at Hounslow Heath all the king's foot met expecting a battle, but none affords one. Still we went to Hounslow town, thence to Brentford,<sup>1</sup> where unexpectedly we were encountered by 2 or 3 regiments of theirs who had made some small barricades at the end of the first town called New Brentford. The van of our army being about 1000 musketeers answered their shot so bitterly that within an hour or less they forsook their work in that place and fled up to another which they had raised between the two towns, from whence and a brick house by with 2 small ordnance, they gave us a hot and long shower of bullets. My colonel's (Sir Edward Fitton)<sup>2</sup> regiment was the 6th which was brought to assault, after five others had all discharged, whose happy honour it was (assisted by God and a good pair of cannon newly come up) to drive them from that work too, where it was an heart-breaking object to hear and see the miserable deaths of many goodly men. We slew a lieutenant colonel, 2 serjeant majors, some captains and others, officers and soldiers there about 30 or 40 of them, took some 400 prisoners. But what was most pitiful was to see how many poor men ended and lost their lives striving to save them, for they

<sup>1</sup> 'Brainsford' in manuscript.

<sup>2</sup> This name is written in the margin.



ran into the Thames and about 200 of them, as we might judge, were there drowned by themselves, and so were guilty of their own deaths, for had they stayed and yielded up themselves, the king's mercy is so gracious that he had spared them all. We took their 6 or 8 colours, also their two pieces of ordnance and all this with a very small loss, God be praised, for believe me, I cannot understand that we lost 16 men, whereof one was a son of Mr. Daniell of Tabley [?], Mr. Thomas Daniell, a fine young gentleman (who was a lieutenant under my lord Rivers). He and his captain were both slain and a lieutenant of our own regiment but none of our countrymen.

Then we thinking all had been done for that night 2 of our regiments marched up through the town to make good the entrance but were there again encountered a fresh onset which scattered like the rest after a short conflict, fled away towards Hammersmith and we were left masters of the town. That night most lay in the cold fields. Next morning early we were started afresh by the loud music of some cannon, which proved to be some 14 barges of theirs who with 13 ordnance and some 600 men attempted (very indifferently) to pass up the river from Kingston by the town where we lay to London, but being discovered, what from the banks and from Sion House (the earl of Northumberland's) where we had placed some four musketeers, within 2 or 3 hours space we sunk 4 or 5 of their vessels with the cannons in them, took the rest and 3 pieces in them for our breakfast. After which within 2 hours we could descry a great army marching down upon us from London, who came up within musket shot of us but the king finding his men wearied and being satisfied with what he had done before for that time and having no convenient room for his horse (which is the greatest pillar of his army) to fight, very wisely drew off his men by degrees and unperceived by them leaves the town naked, some of his horse dragoons keeping them deceived till the foot were all gone and then they galloped in the rear. After which the enemy perceiving played on their back with their cannon but with no harmful success at all, God be praised. So that night we marched towards Hampton Court, next day into Kingston, a great town which they had manned the day before with 6000 men in it but left it upon our fight at Brentford. So here we are now very safe, our foot and our horse round about us. And so you have a brief report of what these days have brought forth. God hath been merciful to us above all our praise and acknowledgment. His holy name be magnified. Praise him all ye his people for he hath delivered David his servant and preserved his anointed from the edge of the sword.

Kingston upon Thames.  
November 15, 1642.

M. S.

#### IV

British Museum, Add. MS. 34713, fo. 1.

Charles R.

Our will and pleasure is, that out of such of our treasure as is in your custody you pay or cause to be paid by way of impress upon accompt these several sums hereunder expressed unto some chief officer of every

regiment or their assignees for the use of the lieutenant ensigns and other superior officers of companies and also for the private soldiers of each regiment respectively defalling therefrom all such sums of money as by our commissary general of our victuals shall be charged upon any of them: and for your so doing this shall be your sufficient warrant. Dated at our Court at Oatlands the 16th day of November in the 18th year of our reign.

	£	s.	d.
To our lieutenant general's <sup>1</sup> regiment . . . . .	300	12	0
To colonel [Sir William] Pennyman's regiment <sup>2</sup> . . . . .	246	9	0
To colonel [Thomas] Blagge's regiment . . . . .	248	17	0
To colonel [Sir Ralph] Dutton's regiment . . . . .	242	5	0
To the regiment of the guards . . . . .	208	16	0
To the lo[r]d of Northampton's regiment . . . . .	114	12	0
To the lo[r]d Molineux his regiment . . . . .	116	2	0
To the lo[r]d Rivers his regiment . . . . .	140	11	0
To colonel [Richard] Feilding's regiment . . . . .	166	13	0
To colonel [Sir Edward] Stradling's regiment . . . . .	257	11	0
To colonel [Richard] Bolle's regiment . . . . .	201	0	0
To colonel [John] Bellassys' regiment . . . . .	182	11	0
To colonel [Sir Lewis] Dives his regiment . . . . .	162	9	0
To colonel Gilbert Gerard's <sup>3</sup> regiment . . . . .	199	7	0
To colonel [Sir Edward] Fitton's regiment . . . . .	166	19	0
To colonel Salisburies <sup>4</sup> regiment . . . . .	245	17	0
To colonel [Sir Thomas] Lunsford's regiment . . . . .	127	13	0
To colonel [Herbert] Prise's <sup>5</sup> regiment . . . . .	61	1	0
To colonel Charles Gerard's regiment . . . . .			
To captain Bunckle's <sup>6</sup> company . . . . .	17	9	0
To the regiment of guards more . . . . .	30	0	0
More to colonel Dives his regiment . . . . .	42	0	0
To colonel Salisburies regiment more . . . . .	63	12	0

To our trusty and welbeloved Matthew Brodley, Esq. Paymaster General of the Army.

<sup>1</sup> William Villiers, Viscount Grandison, who also raised a regiment of horse which was present at Edgehill. I can find no evidence that his foot regiment took part in the battle. Possibly it was partly composed of the remnants of Lindsey's regiment, which disappears with the death of its colonel.

<sup>2</sup> At Nottingham with Charles. Said to have been 'left behind' at Bridgnorth (*True Relation*). Mr. Firth's statement in *Cromwell's Army* (p. 16) that this regiment fought at Edgehill is erroneous.

<sup>3</sup> In the *True Relation* Sir Gilbert Gerard is said to be 'now lieutenant colonel to the lord viscount Molyneux his regiment'. If this is correct, no doubt the two regiments were amalgamated.

<sup>4</sup> Almost certainly William Salesbury, governor of Denbigh castle in 1645, who was fined (together with his son) £781 in 1647 (*Symonds's Diary*, pp. 243, 280; *Cal. Comm. for Compounding*, 1723).

<sup>5</sup> Spelt thus by Symonds, p. 208, but more usually Price.

<sup>6</sup> Probably the Colonel Bunkley captured at Naseby (Peacock, p. 99).

## *Notes and Documents*

### *A Mention of Scutage in the Year 1100*

THE occurrence of the word *scutagium* in the reign of Henry I, as well as the comparatively wide prevalence of such a payment, is known through Dr. Round's study of the introduction of knight service in England.<sup>1</sup> But quittance of scutage at the very beginning of this reign shows that knight service was rather widely commuted earlier yet. The evidence of this should have been readily available for almost a century. It is contained in the charter of immunities which King Henry soon after his accession issued to the Cluniac priory of Lewes. The transcriber of the original charter (MS. *Vespasian*, F. iii, art. 2), while preparing the copy for the *Monasticon Anglicanum*, made a remarkable error in a sentence which enumerates the immunities conferred upon the lands of the monastery. The relevant passage from the document as it stands near the beginning of the fifth volume of the *Monasticon* is the following :

quieta de danegeldis et omnibus geldis et auxiliis et schiris et hundredis et lastagiis et hidagiis et tallagiis ; de summagiis et carriagiis ; de navigiis et clausuris ; de poncium et castrorum edificacione ; de conductu thesauri et omni operatione.<sup>2</sup>

Apart from punctuation this is good reproduction with the exception of one word, *lastagiis*, which in the original reads *scutagiis*. Of the copyist's lapse there is not the slightest doubt, for this portion of the charter is well preserved: the word is written without contraction, and the hand, though somewhat fine, is very clear and legible. Nor is the charter itself questionable. True, it is a remarkable document. At the request of William of Warenne, earl of Surrey, the king grants to the house founded under Lewes Castle by William's father and mother 'omnem immunitatem quietanciam et libertatem quam regia potestas alicui monasterio conferre potest'. But the indications of authenticity are convincing. The instrument is one of a very few attested during the continuation of his ministry by William Giffard, the chancellor of the late reign. Bishop Gerald does

<sup>1</sup> *Feudal England* (1909), pp. 268-71.

<sup>2</sup> *Monasticon*, v. 13-14.

not yet bear the higher title which became his at Christmas 1100, when he was elevated to the archbishopric of York. The peculiar extent and character of the privileges granted are practically duplicated in a charter of confirmation issued by Henry I, probably just after the year 1125, to Reading Abbey. This charter, found in the Reading Chartulary, Harleian MS. 1708, fo. 17, likewise purports to grant every monastic immunity which the king can confer; moreover it contains exemption from scutages and omits no really striking feature of its predecessor except the mention of tallages. Finally, the Lewes document is readily explained by the circumstances of its issue. The imminence of the king's struggle with his brother, the personal unfriendliness and dubious loyalty of William of Warenne, together with the fact of his appearance the next spring among the leading champions of the cause of Duke Robert, point clearly enough to the motive. The powerful earl in possession of Lewes Castle was to be conciliated, if possible, by compliance with his request in a matter of personal interest and family pride. By the king's own act unexampled privileges were accordingly granted to the monks of Lewes.

The exemptions allowed in this case have unusual significance in other directions. They explain the exactions of the day which the king's officials might make upon the lands of a monastery, and they extend to the lands of the priory of Lewes, both secular and ecclesiastical. Furthermore, the issuance of the charter within a few months, possibly, as Mr. Farrer reckons,<sup>1</sup> within seven weeks of the king's coronation, makes it practically certain that the usages and impositions therein mentioned originated before that event. It may be assumed that the word *scutagium* was used in the reign of William Rufus to designate a payment made by monasteries. Mr. Round has indeed shown that the practice dates from the time of the Conqueror. But it is very interesting to find that this and the other exactions, the quittance of which is granted in the charter, are traceable by name to the period before 1100.

W. A. MORRIS.

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### *A Butler's Serjeanty*

THE interest taken by students of the Anglo-Norman period in that notable but difficult document, the 'Constitutio domus regis', justifies the close investigation of any evidence that may serve to illustrate its text.<sup>2</sup> The 'butler' service, with which

<sup>1</sup> *Outline Itinerary of Henry I*, no. 7.

<sup>2</sup> See Haskins, *Norman Institutions*, pp. 113-20.

I propose in this note to deal, appears to have escaped notice,<sup>1</sup> although it may claim special attention as having been connected not only with Normandy, but with England. Possibly, it has been overlooked owing to the curious confusion as to the identity of the place with which the service was connected and of the family which derived its surname from the place in question. Madox, who has given us, in the foot-notes to his *History of the Exchequer* (ed. 1711), so much valuable information from the public records, has references to the service in England on three different pages of that work; but as the surname there occurs in three different forms ('Chevil', 'Chivill', 'Kevilli'), it has to be sought for, in the index, under three separate headings. In the *Testa de Nevill* (1807) the surname occurs in three entries on pp. 267 b, 269 b, 270 b,<sup>2</sup> but only the second of these is indexed (p. 563 b).

Stapleton, as we should expect, was familiar with Quevilly and rightly identified 'Kevilli', 'Kivilli', 'Chivileium', as Quevilly, 'a royal residence'.<sup>3</sup> But I cannot find any reference under that name to the family named therefrom. Unfortunately, this writer identified also—no doubt correctly—in a foot-note of portentous length (II. xlv–l), as Chevailec, a hamlet on the skirts of the 'bois de Gonnevillle' (sur Honfleur), some land held by Nicholas Malesmains (II. xlvii). This identification was the source of Eyton's amazing error; finding certain royal charters issued from 'Chivilli',<sup>4</sup> he assigned them, not to Quevilly (the *mansio regia* of Robert de Torigni), but to this obscure hamlet.

It was only by chance that I discovered Stapleton's important citation from the register of Philip Augustus:<sup>5</sup>

Henricus de la Hosse tenet terram suam de la Hosse et de *Kevilli* et de Rothomago etc. . . . pro qua debet *servicium Boutelerie*, unde debet habere suas liberationes quando servit.

Stapleton describes this as the duty of 'Henry de la Heuze [*sic*] to perform the office of Butler to the king in the Duchy of Normandy' (II. cxxviii). In the first volume, however, he informs us that the surname was derived 'from *Le Hozu*, a fief in the parish of *Grand Quevilly*, near Rouen' (I. lxxxix). It was at Rouen that was centred the great traffic in wine, and there are passages

<sup>1</sup> The writer desires to explain that, being confined to bed by illness, he has only been able to consult a limited number of books, so that this paper cannot claim to be in any way exhaustive.

<sup>2</sup> The forms are 'Kyvilby' (p. 267 b) and 'Kiveli' (pp. 269 b, 270 b).

<sup>3</sup> *Mag. Rot. Scacc.* (1840–4), I. ccxix, II. ccxcix. Quevilly (Grand et Petit) lay opposite Rouen on the left bank of the river, where it forms a great loop round the forest of Rouvray.

<sup>4</sup> *Court, Household, and Itinerary of King Henry II* (1878), pp. 158, 187.

<sup>5</sup> Cf. Pipe Roll I Ric. I (1189), p. 217 'Henrico de la Hose qui misit vina per maneria Regis ij marcas ad expensas suas.'

on the Norman roll of 1180<sup>1</sup> to which I would now invite attention.

In the text are at least seven entries relating to wine and one mention of the king's cellar.<sup>2</sup> Wine was bought for his use and dispatched from Rouen to Caen, Lyons, and Bonneville (sur Touques). But of chief interest for comparison with the *Constitutio* of less than half a century earlier are the entries relating to the king's baggage train. We have first the sumpter-horse and his harness 'used in the transport of the king's chapel';<sup>3</sup> then the sumpter-horses of the *Camera regis* and the wagons<sup>4</sup> (*quadrigis*); and finally, after the sumpter-horse that carried the king's plate, we come to what Stapleton describes as 'a waggon hooped with iron, dishes, flagons, a chest, along with traces, bridles, and halters for three horses, for the transport of the king's butlery';<sup>5</sup> &c.: 'Quadriga ferrata et . . . frenis et capistris ad Pincernariam regis et in conredio . . . Stephani Quadrigarii,' &c. (I. cxi. 71). It is with this wagon that I am specially concerned.

On the English pipe roll of eight years earlier (1172) we find the entry, relating to the king's transference from Portsmouth to Barfleur: 'pro vj caretariis<sup>6</sup> ad opus Regis liberatis Roberto Malduit et Hugoni de Kewilli [*sic*] viij li.' (p. 79). This Hugh de Quevilly can be identified as the holder of our 'butler' office (*ministerium*) in England. We are indebted to Madox for an invaluable record, which he quotes, in one of his foot-notes, from the Pipe Roll of 1199 (1 John, rot. 7 b):

Willelmus de Chevill' redd. comp. de xl marcis pro habendo officio suo in Domo Regis, quod pater suus habuit, scilicet ostium Pincernae, et servire in Domo ut Pincerna, et Wardam [*sic*], ius quadrigae portantis utensilia Pincernae, et prisas vini, cum pertinentibus ad officium illud.<sup>7</sup>

Here we have the butlery wagon (*quadriga*), which is mentioned on the Norman roll above, and the 'domus regis'. Again, although we may not be able to identify exactly in the *Constitutio* this 'butler' service, we learn from this entry that it comprised 'ostium Pincernae'. Now an 'usher of the Butlery' (*ostiarius Butellarie*) is duly found in the *Constitutio*.<sup>8</sup> Finally, the passage

<sup>1</sup> i. 70, 71, dealt with on pp. cx-cxii of the introduction.

<sup>2</sup> Cf. the entries, under 1198, cited by Stapleton (II. clxviii. 461): 'Pro vinis Regis descarcandis apud Rokam de Oireval [Château Fouet on the Seine above Rouen]. . . Pro tonellis Regis reliandis ibidem. . . Pro iij estachis ficandis ad avaland' Tonellis Regis in cellarium ibidem. . .'. This term suggests the Thames *avalagium* on the Pipe Rolls.

<sup>3</sup> Cf. 'duo summarii Capellae' in the *Constitutio*.

<sup>4</sup> See, for this department, p. 811 of the *Red Book* text of the *Constitutio*.

<sup>5</sup> Cf. Pipe Roll 30 Hen. II, p. 57 'pro j careta ferrata ad pincernariam Regis xvjs.'

<sup>6</sup> I take these to be cart-horses. The wagoner would be the *Quadrigarius*, though Stapleton rendered this word as 'Le Charretier'.

<sup>7</sup> *Exchequer*, p. 317, n. t (Essex).

<sup>8</sup> *Red Book*, pp. ccxc, 810.

'debet habere suas liberationes quando servit'<sup>1</sup> savours directly of the *Constitutio*.

In the *Testa de Nevill* are two returns for the great royal manor of Writtle, Essex, made for the Inquest, as I reckon, of 1212. One is made by Writtle jurors, and the other comprises the whole county. I give them here side by side.

## WRITTLE

Quedam terra in Borham, quam Willelmus de Kiveli tenuit et dimisit illam episcopo London' Willelmo de Sancte Marie ecclesia [1198-1221], et predictus episcopus dimisit eam Rogero filio Alani; pertinet ad manerium de Writele et quod solet reddere per annum ad curiam de Writele xxs. (p. 270 b).

## ESSEX

Willelmus de Kiveli tenuit in Borham dim. car. terre, quam rex Henricus dedit Hugoni de Kiveli, set nescitur per quod servicium, et solet pertinere, ut dicit, ad manerium de Writele. Et Willelmus de Kiveli dimisit illam episcopo London' pro j marc' per annum illi reddend'. Et episcopus dimisit illam Rogero filio Alani, &c. (p. 269 a).

The William of these returns is clearly identical with the William who, we have seen, paid forty marks on his succession to the office, in 1200.<sup>2</sup> The Hugh de Kiveli here named as his predecessor must be the Hugh named on the Pipe Roll of 1172. An earlier Hugh had held the office under Henry I, for the Pipe Roll of 1130 shows us Robert Fitz Siward paying in that year 15 marks for his office and his widow.<sup>3</sup> Although the entries cited by Madox all relate to Essex, the family seems to be ignored in Morant's history of the county. The office may have been held, as lawyers say, 'in gross'; for I have not found it mentioned in England as held with certain land. Some years after the survey of 1212 we find the earl of Arundel holding Little Waltham (Essex) with the wardship of William de 'Kyvilby' and owing for it butler service (*seriantiam pincerne*) to the king,<sup>4</sup> but I doubt if the two were connected. In a foot-note under Little Waltham Morant has printed a charter, then (1768) in private hands, by which William 'de Chively', son and heir of William 'de Chevelli', gave the church of that parish to the priory of Hatfield Peverel as his father had given it. The legend on the seal of this charter, he states, was 'Sigillum Will[elm]i Cheveli Pincerna [sic] Regis'. As Ralf 'de Alta Ripa', archdeacon of Colchester, was a witness, the charter must belong to the close of Henry II's reign.

We find mention, moreover, of William, in 1205, in another

<sup>1</sup> Quoted above from the register of Philip Augustus.

<sup>2</sup> He must also be the William whom Madox cites, from the Pipe Roll of 4 John under Essex, as paying that his wife, then in prison, might be released on the guarantee of lawful Essex knights that they would produce her if she should be impleaded.

<sup>3</sup> See Madox, *Exchequer* (ed. 1711), p. 316

<sup>4</sup> *Testa*, p. 267.

part of Essex. He there enfeoffed a niece, to hold the land of him as half a knight's fee.<sup>1</sup> Here again we have strange confusion over William's surname. Mr. R. E. G. Kirk, although a record agent, read the name as 'Knully'. This is a useful illustration of the risk of misreading minims, for we have only to read the *nu* as *ivi* to obtain the right form, i. e. Kivilly. The name also occurs in a fine of 1220, where Mr. Kirk read it as 'Kynely',<sup>2</sup> which, of course, should be 'Kyvely'. Indeed, in *Bracton's Notebook*, where case 1374 (in 1220) relates to the subject of this fine, the name is rightly given as 'Kivilly'.<sup>3</sup> If a surname is not recognized, or has a suspicious appearance, it is always well to check the reading of its minims, if any. For instance, the surname of Thomas de Bavis, as Mr. Kirk read it in a fine of 1197,<sup>4</sup> should clearly be read as 'Baius' (i. e. Bayeux), for the manor is found, later, held by a family of Bayeux (*de Baiocis*), who even gave to it their name. J. H. ROUND.

### *The Two Earliest Municipal Charters of Coventry*

THE charters of the city of Coventry preserved in the archives of its corporation begin with (1) an undated grant of privileges by Ranulf de Blundeville, earl of Chester<sup>5</sup> (1181-1232), lord of a moiety of the town, and (2) a charter of Henry II,<sup>6</sup> given at Marlborough, but otherwise undated, confirming concessions of Earl Ranulf which, for the most part, are verbally identical with those of no. 1, but include three remarkable variations. Not unnaturally, the king's charter has usually been regarded as a confirmation of the earl's with additions and alterations.<sup>7</sup> When, however, the late Miss Bateson examined them twenty years ago, she saw at once that the variations could not be so accounted for, and described Henry's charter as a confirmation of *another* charter of Ranulf's without even considering it necessary to discuss the point.<sup>8</sup> There is nothing to show whether she had

<sup>1</sup> *Essex Fines*, i. 35.

<sup>2</sup> *Ibid.*, p. 57.

<sup>3</sup> The case, however, is there wrongly assigned to Kent, instead of Essex, one of the places named being wrongly identified in the index, and the other not identified at all.

<sup>4</sup> *Essex Fines*, i. 17.

<sup>5</sup> MS. B. 1. Facsimiles in *A Memorial of the Visit of the Archaeological Institute to Coventry on July 28, 1864* (Coventry, 1864), and Miss M. Dormer Harris, *Life in an Old English Town*, p. 46. Neither shows the interesting seal. The text is printed in Cunningham, *Growth of English Industry and Commerce*, i. 541, and (in part) in Ballard, *British Borough Charters, 1042-1216*.

<sup>6</sup> MS. B. 2. Facsimile (not altogether satisfactory) in *Memorial of the Visit of the Archaeological Institute*. Printed *ante*, xvi. 98, by Miss Bateson; in *Cal. of Charter Rolls*, ii. 88, and (in part) in Ballard.

<sup>7</sup> Ballard, p. xxviii; Dormer Harris, p. 46.

<sup>8</sup> *Ubi supra*.



taken into account the list of witnesses of Ranulf's extant charter and had noted that it is headed by Roger (de Lacy), the constable of Chester, who did not succeed his father, John, in that office until 1190. Quite apart from its contents, this charter could not have been confirmed by Henry II.

What then did Henry confirm, or did he confirm anything? The discovery just mentioned at first roused some suspicions of the genuineness of the confirmation attributed to him, and these doubts seemed to gain some support from the appearance of Richard de Luci as its fourth witness. For a confirmation of a charter of Earl Ranulf could not be earlier than 1181, and Richard de Luci the justiciar died in 1179. The only witness of his name recorded by Eyton to a charter of Henry after that year was an obscure tenant of the king in Maine. Further consideration, however, has tended to allay these suspicions. The witness Richard de Luci may have been the grandson of the justiciar who, with his brother Herbert, succeeded to his estates in the sheriffwick of Bedfordshire and Buckinghamshire.<sup>1</sup> Herbert de Luci, it is true, was only fourteen years old in 1185,<sup>2</sup> Richard may have been little or no older, and the last-recorded visit of Henry II to Marlborough took place in the autumn of the next year,<sup>3</sup> to which occasion the charter has therefore been usually assigned. But Henry may very well have been at Marlborough in the spring or early summer of 1188, and 1181-8 was Miss Bateson's more cautious dating of the document. Even in 1188 Richard de Luci the younger can only have been a youth, but he cannot be dismissed as an impossible witness.<sup>4</sup>

The two charters have recently been photographed afresh, with less exclusive attention to the text,<sup>5</sup> and the Rev. H. E. Salter, who has been good enough to examine the earlier of them, is of opinion, on palaeographical grounds alone, that it is a genuine charter of the last years of Henry II. He has not, indeed, met with the hand among charters of that king, but he has seen a charter of the first year of Richard I which seems to be the work of the same scribe.

A clerk [he writes] who was at work in the Chancery in 1 Richard I was probably at work in the last years of Henry II, and it is only an accident that his work under Henry II survives, as far as I know, only in this charter. In the charters of Henry II which I have seen, Glanville is

<sup>1</sup> *Rotuli Litt. Claus.* (Record Comm.), i. 95 b, 127 b.

<sup>2</sup> *Rotuli de Dominabus* (Pipe Roll Society, no. 35), p. 76.

<sup>3</sup> Eyton, *Itinerary of Henry II*, p. 271.

<sup>4</sup> Mr. Salter tells me that he feels sure he has seen Richard's name in a charter of Henry II in some book quite recently, but cannot remember where.

<sup>5</sup> I have to thank the Corporation of Coventry for kindly allowing this to be done, and Miss Dormer Harris for placing her local knowledge at my disposal.

always *Rand'* de Glanville not *Rann'* as here, and Bigot is without *le*; but these are points that might vary with the scribe.<sup>1</sup>

As the Coventry charter of Henry II thus appears to be genuine,<sup>2</sup> and cannot be a confirmation of the extant charter of Earl Ranulf III of Chester, though they have so much in common, we are thrown back upon Miss Bateson's assumption that it confirms some other (unknown) charter of that earl. The idea that Henry was confirming the charter of an earlier Earl Ranulf suggests itself for a moment, only to be at once dismissed. Even if the privileges confirmed were consistent with a date in Ranulf II's time (1129-53), it is impossible to get over the fact that the charter which Henry had before him had in its preamble the words: '*Sicut unquam in tempore patris prefati comitis vel aliorum antecessorum suorum,*' which are used *mutatis mutandis* in the known charter of Ranulf III. That earl, too, had he been confirming an almost identical charter of his grandfather, would surely have made a more direct reference to it than the above sentence.

If we accept Miss Bateson's suggestion that Ranulf III issued two charters to Coventry couched in very much the same terms, within a period of not more than about twenty-five years, the first of which was confirmed by Henry II, is it possible to discover a reason for the double grant, and to account for the complete disappearance of the earlier one? Perhaps the solution may lie in the fact that Ranulf, who succeeded his father in 1181 as a boy of eleven, was for a number of years a ward of King Henry.<sup>3</sup> As a minor he may have issued a charter at the instance of his guardian which in his full age he thought well to reissue with some modifications. The divergences between the charter confirmed by Henry and his extant charter certainly fit in well with this suggestion. The substitution of a vague assurance that amercement should be reasonable for the clauses limiting fines in the earl's court to a shilling, and even less in the case of poor men, looks like an attempt to minimize a concession which was considered too generous.<sup>4</sup> A similar motive may have led to the omission of the clause limiting the earl's power of borrowing

<sup>1</sup> He notes the existence of an original private deed of 1184 in which Glanville appears as a witness, where his Christian name is written *Rann'*.

<sup>2</sup> The following corrections of the transcript used by Miss Bateson (*ante*, xvi. 98) may be noted: c. 1, l. 11, *Lincoll'*; c. 2, l. 2, *portmannemot, libere*; c. 3, l. 2, *et qui*; c. 5, l. 1, *poterit*; c. 8, l. 2, *portmannemot*; c. 9, l. 4, *Rann'*, l. 5, *Rann'*, l. 6, *Geddeng'*. The c's in '*pertinencia*', &c., are t's in the manuscript. There is a double slit in the centre of the lower margin (without overlap) for the suspension of the seal, which has disappeared.

<sup>3</sup> Pipe Roll 28 Henry II ff.

<sup>4</sup> This seems in itself more likely than Miss Bateson's contention that the difference in wording 'shows that the twelvepenny amercement may sometimes be alluded to in very vague terms'.

from the burgesses. The omission of a clause granting exemption from taxation for two years to new-comers building houses in the town might be explained in the same way, but was perhaps no more than the repeal of a temporary privilege.

It seems possible to fix the date of Earl Ranulf's surviving charter within narrower limits than the constablership of Roger de Lacy (1190-1211). During his marriage with Constance of Brittany (1188-99) Ranulf's usual, perhaps his only, style was 'duke of Brittany and earl of Chester and Richmond', but here he calls himself earl of Chester only, as he did from 1200 onwards. If any stress can be laid upon the fact that Philip de Orreby is not described as justice, the lower limit of date will be 1208. However that may be, the first decade of the thirteenth century seems to have been the time when Ranulf was using the curious lion seal<sup>1</sup> which is still attached to this charter by four silk tags threaded through as many holes arranged lozenge-wise in the doubled lower margin of the document. The centre of the seal is a rather long heater shield with the top corners rounded off and bearing a lion (or lioness) rampant to the left. Its edge is so broken away that only a few letters of the legend can be made out: . . . COM[ITIS CE]STRIE. It may be objected, if the date suggested for Ranulf's charter is correct, that on the theory advanced above of its relation to that confirmed by Henry II, the earl took a long while to become conscious of the inconveniences of some of the concessions made in his name by that king. It is also strange that he does not mention the earlier charter. Yet one can see no other possible explanation of the two charters at Coventry.

JAMES TAIT.

### *The Parliament of Lincoln of 1316*

THE importance of the parliament which sat at Lincoln in January and February 1316 has been fully recognized by historians of the reign of Edward II, one of whom recently has published a minute analysis of its proceedings,<sup>2</sup> based upon the admirable and systematic roll compiled at the time,<sup>3</sup> 'the first full and intelligible record of the proceedings of a parliament'.<sup>4</sup> It came mid-way in that period of royal humiliation and general disorder which opened with the English defeat at Bannockburn in 1314 and did not close till the treaty of Leake in 1318 gave an opportunity to a middle party not unfriendly to the king. Its special object, as explained in the king's speech, was to take

<sup>1</sup> Ormerod, *Hist. of Cheshire* (1882), i. 33, 38, 422.

<sup>2</sup> J. C. Davies, *The Baronial Opposition to Edward II*, pp. 408-15.

<sup>3</sup> Parl. Roll (Exchequer Series) 20: printed in *Rot. Parl.* i. 350-64.

<sup>4</sup> T. F. Tout, *The Place of Edward II in English History*, p. 184.

measures for the defence of Scotland, and it responded by a grant of men and money. Contemporaries, however, were shrewd enough to see that the dominating personality was not Edward himself, but his cousin, Thomas, earl of Lancaster. Though the king himself arrived at Lincoln on 27 January,<sup>1</sup> the day fixed by writs issued three months before,<sup>2</sup> Thomas and some of his friends did not appear till 12 February.<sup>3</sup> Routine business only was transacted before their arrival. Afterwards, the king had to make concession upon concession. He reaffirmed his acceptance of the ordinances, stated his readiness to observe the forest perambulations of Edward I's days, and expressed his appreciation of Lancaster and other magnates of the realm. Finally, he invited Lancaster to become chief of the council, and only after delay and on definite conditions did Lancaster consent. It is significant that the chief contemporary chroniclers make no mention of the grant for the Scottish war, whereas all give prominence to the settlement with Lancaster,<sup>4</sup> and to one that seemed the sole fact worthy of record.<sup>5</sup>

The roll of the parliament, drawn up by 'William of Airmyn, clerk of the chancery of the king, specially nominated and deputed by the same king for this purpose',<sup>6</sup> states that the offer was made 'die Martis proxima ante Carniprivium'.<sup>7</sup> This date was assumed to be 17 February 1316 by Palgrave in his edition of *Parliamentary Writs*,<sup>8</sup> which contains a shortened version of the roll; by Stubbs in his *Constitutional History*;<sup>9</sup> by Mr. Arthur Hughes in a paper on this parliament read before the Royal Historical Society;<sup>10</sup> and by Mr. J. C. Davies in his book on *The Baronial Opposition to Edward II*.<sup>11</sup> Professor Tout,<sup>12</sup> on the contrary, takes the date to be Shrove Tuesday, 24 February. Now we know that the grant for the Scottish war was made on 20 February,<sup>13</sup> and that on that same day the knights and burgesses went home.<sup>14</sup> If Mr. Tout's date is accepted, it follows that parliament continued to sit after the departure of the commons, and that it was in their absence that 'the most stirring scenes in its history took place'.<sup>15</sup> This is not in itself improbable.

<sup>1</sup> Exchequer Accts. 376/26.

<sup>2</sup> 16 October 1315: *Parl. Writs*, II. i. 152.

<sup>3</sup> *Rot. Parl.* i. 350.

<sup>4</sup> *Ann. Lond.*, p. 237, *Gesta Edw. auct. Bridl.*, p. 49, *Vita Edw. auct. Malmesb.*, p. 218, all in *Chron. Edw. I and II* (Rolls Series), vols. i and ii.

<sup>5</sup> *Flores Hist.* (Rolls Series), p. 173.

<sup>7</sup> *Ibid.* p. 351.

<sup>6</sup> *Rot. Parl.* i. 350.

<sup>8</sup> II. ii. 175.

<sup>9</sup> II. 369, note (Library edition, 1880).

<sup>10</sup> *Transactions, New Series*, x. 47.

<sup>11</sup> p. 412.

<sup>12</sup> *The Place of Edw. II*, p. 105.

<sup>13</sup> *Rot. Parl.* i. 351.

<sup>14</sup> They received expenses up to the Friday after St. Valentine's Day: *Cal. Close Rolls, 1313-18*, pp. 326-7.

<sup>15</sup> *Op. cit.*, p. 105. Among these was a violent quarrel, ending in bloodshed, between

But on this hypothesis the king did not make his offer to Lancaster till four days after he had attained what he described as his special object, the grant of men and money and the fixing of a date for a new effort against Bruce.

The question therefore arises, what did William of Airmyn intend his readers to understand by Carniprivium and the Tuesday before it? The Lenten fast might be reckoned either from the Sunday before or the Sunday after Ash Wednesday. In some parts of France the later of these days, Quadragesima, or the first Sunday in Lent, was distinguished as *Carniprivium vetus*, and Quinquagesima, the Sunday preceding Ash Wednesday, was *Carniprivium novum*, so that the first week of Lent was *inter duo Carniprivia*. Mas Latrie<sup>1</sup> gives an example from the accounts of the treasurers of Savoy in 1301, where an event which took place on Quinquagesima Sunday is described as occurring 'die dominica sequenti, qua fuit Carnisprivium'. This is very close in date to 1316, and Airmyn's words may be taken to mean the Tuesday preceding Quinquagesima, 17 February. This conclusion is supported by an examination of the original roll in the Public Record Office. Two entries have to be taken into consideration. The first occurs on membrane 1, and its position in the original, where the account runs straight on without any division into paragraphs, makes it clear that this, at any rate, refers to 17 February. It runs as follows:

Die Martis sequente in presencia domini Regis et prelatorum ac procerum predictorum, dominus episcopus Norwicensis de mandato Regis recitavit premissa et adiecit quod dominus Rex ordinationes per prelatos et proceres predictos prius factas et per ipsum acceptatas et perambulationes foreste tempore domini Edwardi genitoris sui factas voluit in omnibus observari, salvis Regi rationibus suis contra perambulationes illas; et inde facte fuerunt litere et brevia ut in quodam alio rotulo continetur; et locutus fuit prefatus episcopus aliqua ex parte Regis comiti Lancastrie que in quodam alio rotulo continentur.

The second entry occupies the whole of membrane 2, which is presumably the *alius rotulus* referred to above:

Die Martis proxima ante Carniprivium, in parlamento domini Regis Edwardi filii regis Edwardi, anno regni sui nono, apud Lincolniam, in presencia domini Regis et prelatorum ac procerum et aliorum pro parlamento illo ibidem existencium, dominus Iohannes Norwicensis episcopus de mandato domini Regis recitavit causam quare dominus rex parlamentum illud fecerat summoneri et alia negocia dominum Regem tangencia, ut in alio rotulo continetur. Et ulterius locutus fuit Thome

Sir John Ros and the younger Despenser. This occurred 'die Dominica proxima ante Carniprivium in presencia domini Regis et in parlamento presenti' (*Rot. Parl.* i. 352), i. e. on 15 February or 22 February according to the view preferred.

<sup>1</sup> *Trésor de Chronologie*, p. 630.

comiti Lancastrie ex parte domini Regis aliqua verba ad amovendum quandam dubietacionem quam dicebatur ipsum comitem habuisse de dicto domino Rege.

The entry concludes with an enrolment of the 'bill' in French by which Earl Thomas signified his consent to the king's proposal and laid down his own conditions.

Billa predicta formam continens suprascriptam liberata fuit Willelmo de Ayremynne, clerico, per manus dominorum Walteri de Norwico, thesaurarii, et Bartholomei de Bardelesmere [*sic*] precipientium eidem Willelmo ex parte domini nostri Regis quod ipse eandem billam de verbo ad verbum in rotulo parliamenti faceret irrotulari. Et billa illa huic rotulo nichilominus est consuta.

It remains stitched to the left-hand side of membrane 2.

A comparison of these two entries brings out several points of interest. In the first place, it cannot be supposed that they refer to different episodes on different dates. Secondly, the phrasing of the second entry, though it does not make specific mention of the commons, might well include them. The first entry, referring to a date when we know the commons were still present, mentions only 'the king, prelates and magnates'. The second adds to them 'alii pro parlamento illo ibidem existentes'. Thirdly, the mention in each entry of 'alius rotulus' serves as a cross-reference, directing the reader to two accounts of the same episode. Finally, the explanation of the double entry is implied in Airmyn's description of the elaborate instructions given him as to the enrolment of Lancaster's bill. He fills membrane 1 with an outline account, chronologically arranged, of the proceedings of the parliament from beginning to end. On subsequent membranes he keeps separate accounts, fuller and more elaborate, of particular incidents, this being the most notable.

It need not, therefore, be doubted that the episode should be assigned to Tuesday, 17 February, and on this hypothesis the events of the parliament fall into natural and intelligible order. The baronial party on Thursday, 12 February, are informed of the king's wishes, and demand certain concessions in return for acquiescence. These include a promise to observe the ordinances and a security for that promise in the appointment of the greatest of the ordainers as the king's chief adviser. On the following Tuesday the king agrees to their demands, and on Friday of the same week receives the grants he wanted for the Scottish war. Parliament then disperses. If it seems strange that parliament, after waiting more than a fortnight for the arrival of Lancaster and his friends, could get through all its business in a little over a week after his appearance, it may be

remembered that at the very beginning the king had expressed a wish that business should be dispatched as quickly as possible, because 'the prelates, earls, and others had come thither from great distances, and their stay, if prolonged, would be both tedious and burdensome on account of the high prices of food'.<sup>1</sup> Receiving of petitions had been going on steadily from 28 January. The only matter likely to cause prolonged discussion was the grant and its conditions.

HILDA JOHNSTONE.

### *Negotiations for the Ransom of David Bruce in 1349*

THE following document, which has not, I believe, been printed before, clearly relates to the dealings between Edward III, the Scottish government, David Bruce then a prisoner in England, and Edward Balliol titular king of Scotland, and is presumably consequent on the negotiation of February 1349. The other persons mentioned are less easy to identify. 'Rauf' may possibly be Ralf de Nevill, though I have found no evidence that he was engaged in the business. W. de D. is doubtless William, afterwards earl of Douglas, who appears more prominently in 1350 as one of the Scottish plenipotentiaries. 'Hugh' may perhaps be his brother, if he was still alive in 1349, which is uncertain. The earl of R. is most likely William earl of Ross, the justiciar of Scotland. Had the document not been dated it might have been assigned to the following year, in which we find Ralf Neville appointed to treat with Edward Balliol.

C. JOHNSON.

Public Record Office, Miscellaneous (Chancery), Bundle 22, no. 13 (5).

An xxiiij

Remembrances des choses a monstrier a Monsieur Rauf.

Primerement homme lui doit mercier de par le Roi de la grande affection qil ad a lesloit de la busoigne etc. et lui monstrier coment le Roi pur la grant assurance qil ad en lui envoit a lui especialment a ceste foitz et a nulli autre.

Item coment grant empeschement est a les grosses busoignes le Roi par cause qe monsieur E. de B. ne voet accorder a bones voies de paiz tieles come sembloient resonables pur lune partie et pur lautre et coment le Roi se coroucera trop sil ne se veulle uncore accorder: et en cas qil se vousist assentir par quei les choses feussent mises a bone fin, le Roi tendreit sa guerre ceandroitiz demi chevi.

Item de lui monstrier les nouvelles offres de D. de B. et de laccord fait parentre lui et monsieur W. de D. et coment le dit monsieur Hugh vorra assentir a les choses et vivre et morir en la peine parensi qe il peusse estre certifiez qe le counte de R. et les autres se veullent assentir.

<sup>1</sup> *Rot. Parl.* i. 350.

Item de la triue a terme de la vie E. de B. en cas qil ne se vorreit uncore accorder et de affermer les autres choses privement.

Mais toutes cestes choses dependent si D. de B. puis acomplir ceo qil ad promis.

Item de la manere de parler a les counsaillers Monsieur E. de B. et de promesses a eux faire.

Item de certifier de ceste busoigne, ou en cas qele ne preist bone fin, de la cause de lempeschement.

Item coment les choses demandent haste pur la variance des voluntez et coment Monsieur D. de B. ad il envoie pur la certificacion.

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### *Verses on the Exchequer in the Fifteenth Century*

THE following verses on the venality of the officials of the exchequer<sup>1</sup> were copied by Professor C. H. Haskins from the MS. Bodl. 496 in the Bodleian Library (no. 2159 in the Summary Catalogue), which was written before the middle of the fifteenth century. The volume contains a miscellany of Latin poems, some religious, others well-known specimens of the Goliardic type. The satire upon the proceedings at the exchequer printed below is found on fo. 232 b-34. I have collated the copy with the manuscript. Independently some years ago Mrs. Eric George transcribed the verses from the Lansdowne MS. 168, fo. 336, where the piece is docketed in Sir Julius Caesar's hand

An olde written pamphlet or libell touching the accomptants at the Exchequer. 1 Aug. 1606.

Privileges of the Exchequer Court, Chamber and men.

With this manuscript she compared a copy in a precedent book formerly in the Lord Treasurer's Remembrancer's Office (Miscellaneous Books 118, fo. 284) and now preserved in the Public Record Office. This volume contains a number of transcripts and some originals of papers relating to the procedure of the exchequer, many of them dating from the reign of James I, when the book appears to have been begun. It may be noticed that the Lansdowne copy came into Sir Julius Caesar's hands a few months after he became chancellor and under-treasurer of the exchequer on 7 April 1606. In another transcript which once belonged to Sir Richard St. George, Norroy king of arms (Lansdowne MS. 259, fo. 76), the poem is attributed to John Bell, collector of customs; of whom later. For the preceding notice of the London manuscripts I am mainly indebted to Mrs. George; but now that we have a text of the fifteenth century, it has not seemed necessary to collate the modern copies in full. In the

<sup>1</sup> [Compare the parliamentary petition against the receiving of gifts in Wylie, *Henry IV*, iii. 307.]



notes the Bodleian MS. is cited as *O*, the Lansdowne as *L*, and the text in the Public Record Office as *R*. Mrs. George's commentary on the poem is printed at the end. The notes within brackets are due to Mr. Haskins.

R. L. P.

I

fo. 232v.	O scacci camera, locus est mirabilis ille ; Ut dicam vera tortores sunt ibi mille. Si contingat ibi te quicquid habere patrandum, Certe dico tibi cetum reperire nephandum. Primitus intrabis ad barram corpore tristi Et tunc iurabis per librum cum cruce Christi Regi iusta dare quod debes computa rerum Et non clamare tibimet quicquam nisi verum ; Quanta recepisti vel sumere que potuisti Nil conclabis rotulis sed cuncta notabis. Ne sis fraude reus sint cuncta fideliter acta, Ut iuuet ipse Deus ac evangelia tacta. Tunc auditori fiet signacio prona, Demone peiori nisi des sibi grandia dona. Vertit et evertit, cancellat res bene stantes, Summas pervertit minimas, scrutando quadrantes, Claves cum saccis, libras, petras quoque lane Pannos in paccis rimatur singula plane, Tam grano plenos quam grano dimidiatos Multos centenos sine grano pannificatos. Separat indigenas hic ab hansa Theutonicorum Ac alienigenas, quia differt quilibet horum. Merces vendibiles pretermittit vice nulla Nec res subtiles nec averia ponderis ulla. Est nichil omissum quod penna potest onerare, Nec quid promissum quod te poterit relevare. Summaque totalis tunc ingrossata patebit, Que sit vel qualis illam post baro videbit, Qui debet clare memoratori dare billam, Ut breve cessare faciat cum viderit illam. Mente tamen pone quod erit plus grata sequela Si cum barone fiat privata loquela, Baroni cui vis placeas, saltim capitali, Expediens si vis fore materia speciali ; Et ne te prodas forefactis insipientem, Placa cum <i>do das</i> memoratoris bene mentem. Thresk Bank ambo duo memoratores recolantur, Ne pro posse tuo vacuis manibus videantur. Ut serves morem per dona placens sis ad illum Cancellatorem quem scis portare sigillum.	5 10 15 20 25 30 35 40
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7. quod *OR* ; quae *L*. rerum *O* ; verum *L*.

12. ipse *L* ; te ? *O*.

27. tunc *R* ; tua *L*.

14. si *L*.

32. Secum *O*.

- fo. 233. Tunc custos pipe sedet illic clericus unus,  
 Ad quem dic, 'Recipe quod ego tibi profero munus.'  
 Allocat expensas misas ratasque dierum  
 Tallias ostensas super et plusagia rerum.  
 Respice ne desint breve nec privata sigilla, 45  
 Warantum que sint, habeas ibi penitus illa.  
 Ipsum iuxta sedet quidam contrarotulator,  
 Nemo cui credet quin donorum sit amator.  
 Clericus est alius introductor placitorum,  
 Non est ipse pius nisi pro spe denariorum. 50  
 Cleri scribentes pro donis sunt ibi proni,  
 Plus intendentes lucro quam oracioni ;  
 Nam cuncti vere cleri qui sunt in hac ede  
 pauca volunt facere sine donis ; hoc bene crede.  
 Si sis collector custume subsidiive 55  
 Laicus vel rector, nisi des facis esse tibi ve,  
 Si libertatis sis custos vel vicecomes,  
 Expedienda satis tua dando negocia promes ;  
 Namque cave donum, tu coges oppositorem,  
 Si des, esse bonum, pro re magna meliorem. 60  
 Preston et Henricum cum muneribus fac amicum ;  
 Per talem medicum multum vitabi[s] iniquum.  
 Si velit ipse bonus opponendo reperiri,  
 Alleviabit onus ; valet hoc per compota sciri.  
 Per iuramentum tot a viconte adnichilabis, 65  
 De summis centum quas cepisti relevabis.  
 Compotus auditus cum sit pipa rotulatus,  
 Tu, licet invitus, eris alta voce vocatus.  
 Stans semel ac alias unus celsa statione  
 Clamabit, ' Venias, fac finem de ratione, 70  
 Aut attachiatus eris et tua terra seisita ' ;  
 Ne sis turbatus, fias discrimina vita.  
 Clericus astabit qui debet iungere tallas ;  
 Hic te tardabit nisi cum donis sibi psallas.  
 Ymmo ne dubites hunc quando moneta perunget, 75  
 Protinus ad stipites sine murmure folia iunget  
 Et tallias iunctas marescallo reserabit,  
 Qui summas cunctas iactans totale probabit.  
 Quando iunctarum verum totale probatur,  
 Multum sive parum quicquid remanet titulatur. 80  
 Tunc caveas *debet*, caveas et de remanenti,  
 Nam signum prebet marescallo venienti.
- fo. 233<sup>v</sup>. Baronem cernes dicentem robore legis—

45. *For* breve nec, litere aut *R*.

52. lucro sunt quam oracioni *R* ; lucro quam sunt oracioni *L* ; plus lucro quam racioni *O*.

58. danda *O*.

62. vitabi *O*.

63. apponendo *L*.

65. viscount *LR*.

66. ve levabis *OL*.

72. sic *L*.

75 *So OR* : *L has*

Nam domi dum cubites stimulo te forte repunget  
 Sed hunc ne dubites quando moneta perunget

' *Marchal garde prenez dum solvat debita regis.*  
 Si nichil in loculo nullus te clericus audit, 85  
 Unus cum baculo mox corpus carcere claudit.  
 Fit tibi pro meta domus una vocata catesta,  
 Set post in Fleta pacieris multa molesta.  
 Illic dona dabis si sano vis fore puncto,  
 Aut tu saltabis in compedibus pede iuncto. 90  
 Nam Flete custos bona de prisonibus unit,  
 Nam sumptus multos capit aut per vincula punit.  
 Illis qui baculos portant ostendere debes  
 Valde pios oculos et ludere *prebeo prebes.*  
 Ut dicam breviter, cunctis cape velle placendi, 95  
 Invenient aliter oculos tibi mille nocendi.  
 Ex hiis dum vixi non est notus bonus ille,  
 Sed, prius ut dixi, tortores sunt ibi mille.  
 Dicit miranda scacci domus ergo valebit,  
 In qua si danda desint *chekmat*que patebit. 100

*Et sic finis huius.*

## II

<sup>1</sup> *NOTA* recepta tibi, satis est ubi solvitur aurum ;  
 Est consuetus ibi modus auri prendere staurum.  
 Sunt narratores quibus est numerata moneta  
 Nequam factores nisi sint ibi munera leta. 5  
 De corulis rite tallas Ussher ibi scindit,  
 Postea de stipite camerator folia findit ;  
 Scissor ligniculi nisi sit de munere tutus,  
 Deficient coruli nec erit cultellus acutus.  
 Qui talias scribunt cum murmure sepe loquuntur  
 Dum non vina bibunt nec sumere dona fruuntur. 10  
 Summas quique solent in magna scribere pelle  
 Scribere valde dolent dum non sit solvere velle.  
 Escas mane datas propter iantacula pones  
 Costas assastas, pisces, pinguesque capones ;  
 Illos conforta pariter per fortia vina. 15  
 Westmynstyr porta pro talibus est medicina.  
 Si cupis optentum fieri tibi grande regardum,  
 Non potes unguentum quod ab auro fit dare tardum ;

84. *prenez LR* ; *pernez O.*

89. *Illi L.* *sanus L.*

91. *bene de prisonibus vivit R* ; *bene se de prisone vivit L.*

92. *Munera multa capit aut te R.*

98. *prius L* ; *p<sub>9</sub> O.*

100. *si danda O* ; *munera si R.* *L has* Desunt si munera *Chekmate* tunc quisque patebit. 101. *om. L.*

3. *numeratores R.*

*For line 18 L has*

*Ponas unguentum praesens nec tempore tardum.*

*Hoc illis proferas prompte de divite stauro*

*Aut saltem referas nil quod si[t] vilius auro.*

*R reads*

*Unguentum ponas istis tortoribus auri*

*and omits the line Hoc illis &c.*

<sup>1</sup> In *L* the following lines run on continuously from the preceding. *R* has in margin *De Recepta.*

Nam thesaurator ac Henricus tibi gaudent  
 Dum cupis esse dator, quia propter munera plaudent. 20  
 fo. 234. Percipiant doni cameratores ibi bini,  
 Aurum sunt proni sibi sumere vasaque vini.  
 Tu sic vexate, per tortores cruciate,  
 Non dices vere propter tales, *Miserere* ?  
 Dic, Confundantur omnes qui sic operantur ; 25  
 Dic quod bufo crati, Maledicti tot dominati. *Amen.*

The poem can be dated approximately by the names of the two remembrancers, Thresk and Bank. Robert Thresk was appointed king's remembrancer on 28 July 1398 and held office till 1419.<sup>1</sup> Richard Bank was actually lord treasurer's remembrancer in 1404.<sup>2</sup> In 1410 he was promoted to be one of the barons.<sup>3</sup> The date of the poem, therefore, is probably between 1398 and 1410. During this time John Bell, to whom the poem is attributed in the Lansdowne MS. 259,<sup>4</sup> was a customer of Boston and the adjacent ports. In 1389 he was appointed controller of the collectors of the subsidy in Boston and all ports between Grimsby and Wisbech.<sup>5</sup> Customs accounts are extant by John Bell as one of the two collectors for Boston from 13-14 Richard II to 6-7 Henry V.<sup>6</sup> His name appears frequently on the patent rolls between 1389 and 1419. He was evidently a man of some wealth and local importance. He received a grant of land in Boston from the queen for sixty years at 13s. 4d. a year in 1386. This was confirmed by the king in 1391, when the grant was made perpetual.<sup>7</sup> He and others received a mandate from the pope in 1392 allowing them to found three chantries in the churches of Leek and Leverton, and to augment a chantry already founded.<sup>8</sup> In the same year he and seven other tenants

19. ac L; hac O.

23. *L reads*

Tu sic vexatus tortoribus et cruciatus  
 Foelix es natus ab eis cum sis liberatus  
 Pro talibus vere non dic *Deus o miserere*  
 [Talia tunc propter mestus dices *Miserere R*]  
 Sed confundantur

<sup>1</sup> See Jones, *Index to Records*, ii., s.v. Rememorator; [*Cal. of Patent Rolls, 1396-9*, p. 374; *1399-1401*, p. 5; *1416-22*, pp. 217, 247; cf. Wylie, *Henry V*, i. 41; *Hansisches Urkundenbuch*, vi, no. 233.]

<sup>2</sup> Issue Rolls, 1404.

<sup>3</sup> Rot. Pat., 11 Henry IV, pt. 11, m. 13; *Cal. of Patent Rolls, 1403-13*, p. 205.

<sup>4</sup> [Some lines in the poem are cited from a different text by James P. Andrews, *Hist. of Great Britain* (1795), ii. 143, who ascribes them to Henry Bell, collector of the customs, c. 1412.]

<sup>5</sup> *Cal. of Patent Rolls, 1388-92*, p. 50.

<sup>6</sup> K. R. Customs Accounts, 7/21 (13-14 Richard II), 7/23 (14-15 Richard II), 7/25 and 7/26 (15 Richard II), 8/5 (3 Henry IV), 8/7 (5-6 Henry IV), 8/16 (10 Henry IV), 8/18 (10-11 Henry IV), 8/26 (4-5 Henry V), 8/28 (6-7 Henry V).

<sup>7</sup> *Cal. of Patent Rolls, 1388-92*, p. 424.

<sup>8</sup> *Cal. of Papal Letters, 1362-1404*, p. 422.

of the queen founded a confraternity to find two chaplains to serve daily in the church of Boston and to hold lands to the yearly value of £10, the queen being nominated foundress. For this £40 was paid to the king.<sup>1</sup> Again, in 1396 Bell and five others founded a guild or fraternity consisting of themselves and others, men and women, with an endowment of lands to the value of 20 marks a year; for this 100 marks was paid to the hanaper.<sup>2</sup> John Bell and three others of Boston lent the king £100 for the chastisement of the Welsh rebels and the safety of the realm.<sup>3</sup> Between 1398 and 1418 Bell's name constantly appears in commissions for his county, including the commissions of the peace,<sup>4</sup> of array,<sup>5</sup> of oyer and terminer,<sup>6</sup> *de wallis et fossatis*,<sup>7</sup> a commission to inquire into a complaint in the assessment of a fifteenth,<sup>8</sup> restrain shipping from leaving the port of Boston,<sup>9</sup> and to raise a loan for the king.<sup>10</sup>

The poem is a description of all the stages through which an account—that is, a 'foreign account'—passes in the exchequer, with a statement of the person who has to be bribed at each step. It opens with the entry into account and the solemn oath of the accountant sworn on the book 'cum cruce Christi' (l. 6). This evidently refers to the Black Book of the Exchequer of Receipt, now in the Record Office Museum, which contains a drawing of the crucifixion and emblems of the four evangelists accompanied by verses from the gospels. It has always been supposed that this book was used for administering oaths,<sup>11</sup> and the tradition is confirmed by the text (l. 12). Having been sworn the accountant is assigned to his auditor (l. 13). The assignation of the accountant to his auditor in open court lest he should take an auditor of his own choice is described by Fanshawe<sup>12</sup>

<sup>1</sup> *Cal. of Patent Rolls, 1391-6*, p. 192.

<sup>2</sup> *Ibid. 1396-9*, p. 19.

<sup>3</sup> *Ibid. 1401-5*, p. 378 (order for repayment, 1404).

<sup>4</sup> *Ibid. 1399-1401*, p. 210.

<sup>5</sup> *Ibid. 1401-5*, pp. 289, 291.

<sup>6</sup> *Ibid.* p. 505.

<sup>7</sup> *Ibid.* p. 378.

<sup>8</sup> *Ibid. 1399-1401*, p. 520.

<sup>9</sup> *Ibid.* p. 488.

<sup>10</sup> *Ibid. 1416-22*, p. 252.

<sup>11</sup> See the *Guide to the Museum*, p. 19; and Scargill Bird, *Guide to the Public Records*, pp. 222-3.

<sup>12</sup> 'The Auditors of the Exchequer . . . never take accounts of any Sheriff, Escheator, customer, Collector of Subsidies or Fifteens or the cofferers accounts but by Assignment in open Court by the Marshall, and so entred in his Book to the intent no accountant shall seeke an auditor of his choice': Fanshawe, *Practice of the Exchequer Court*, p. 95. 'He [the Marshall] assigneth in open court all Sheriffs Escheators Customers Collectors of Subsidies and Fifteens and such like Accountants, when they have taken their oath to the Auditor before whom every one of them shall account, whereof he keepeth an ordinary book and deviseth so by the Court that the Accountants should never choose his own Auditor to practise or help himself by it': *ibid.* pp. 104-5. This assignment of the accountant to his auditor was one of the differences between the method of passing the old *comptus* and that of the Declared Account which was made up by the two auditors of the prests. See Fanshawe, p. 83.

writing in 1572<sup>1</sup> and Vernon in 1642<sup>2</sup> as a principle of the exchequer. The text of the poem suggests that this was well established by the beginning of the fifteenth century.

The auditor, who was 'worse than a demon' (l. 14) unless propitiated with gifts, compiled the account from the particulars. The next stage is the declaration of the account before the baron (l. 28), whose good offices are to be secured with a bribe. The two remembrancers are then referred to by name as having to be bribed (l. 37). Then, apparently irrelevantly, the chancellor of the exchequer is introduced as yet another officer eager for gifts (l. 40). After entry with the two remembrancers the foreign account is entered on the pipe roll.<sup>3</sup> Accordingly, the clerk of the pipe must be approached with a gift.<sup>4</sup> Next to the clerk of the pipe sits the writer of the counter-roll—the controller of the pipe—also a lover of gifts (l. 47). The clerk of the pleas is then introduced (l. 49), possibly much as the chancellor had been, to show that all officers of the court with whom accountants might have to do must be propitiated with money. Then various clerks of the exchequer are referred to as eager for gifts and unwilling to do anything without money (ll. 51–4). Lines 55–8 complain that all receivers of crown revenue making payments into the exchequer, the collectors of customs and subsidies, keepers of liberties and sheriffs, were all subject to this kind of extortion.

The writer then seems to allude (ll. 59–66) to an abuse common in the sixteenth and seventeenth centuries, when the sheriff, owing to the connivance or carelessness of the foreign opposer, nichilled sums which ought to have been totted. The allusion to Henry Preston (l. 61)—presumably one person is meant, and probably the Henricus again referred to in ii, line 19—suggests that he was foreign opposer, but this is not borne out in the patent rolls.<sup>5</sup> The verses then seem to continue the description of

<sup>1</sup> Thomas Fanshawe (1533–1601) wrote *The Practise of the Exchequer Court* in 1572 for Burghley (original manuscript in possession of Basil Fanshawe of Bretton): The printed version (1651) post-dates the book by stating that it was written for Lord Buckhurst.

<sup>2</sup> Christopher Vernon, *Considerations for regulating the Exchequer*.

<sup>3</sup> Or on the roll of Foreign Accounts, Record Office Lists and Indexes.

<sup>4</sup> The description in the text of the passing of a foreign account corresponds closely with various descriptions of the ancient course of the exchequer: 'the like course had been alwayes used and observed concerning the Accompts of Collectors, Customers, Receivers of Bishops Temporalities and all other Accomptants whatsoever, within the survey of the Exchequer. For though they be declared by the Auditors before the Treasurer, Chancellour and Barons, or all or some of them; and entred in the offices of both the Remembrancers, yet they are not thereby fully determined before they come to the Pipe where they are to remain upon Record for ever . . . and where their Tallies being first examined and joined with their Foyles are to be allowed and the Debts and Supers therein depending (if any such bee) entred in the said great Roll . . .': Vernon, *op. cit.*, p. 49.

<sup>5</sup> A Henry de Preston in 1387 was one of two persons appointed to hold an exchequer inquisition for Lancaster, Cumberland, and Westmorland; to survey the king's

the sheriff's account—the final audit, the joining of the tallies by the chamberlain's clerk, and the casting out of court (ll. 67–80). The troubles of the accountant who remained indebted upon his account and was accordingly consigned first to the marshal and then to the Fleet are next described.<sup>1</sup>

The second part of the poem describes the extortions of the officers of the exchequer of receipt or loan exchequer, where money was actually received and issued. The tellers must be rewarded; so must the usher who cuts the tallies from the hazel rods, and the chamberlain who cleans the foil from the stock, otherwise the rods will not be forthcoming nor the knife sharp (ll. 3–8). The writers of the tallies (ll. 9–10), and those who inscribe the sums paid in the Great Pell or Receipt Roll (l. 11), must also have gifts. The author suggests as a remedy *Westmynster porta* (l. 16), which is probably the prison in the Gatehouse of Westminster.

That the abuse complained of was a real one is borne out by the articles for the reform of the government administration presented to the king by the commons in 1406. Out of thirty-one articles six (xv–xx) deal with the taking of gifts and fees, among the officers mentioned being the treasurer (xv) and the officers of the exchequer.

Item q̄ le Chancellor et Tresurer d'Engleterre et Gardein du Prive Seal . . . facent duement et diligialment lour offices sanz rien prendre pur carnal affection encountre ley & reson ou riens prendre pour lour ditz offices faire ou executer de nully forq̄ du Roy & ce fees & regardez a lour ditz offices appartenantz de droit et accustumez.

Item en mesme le manere face le Chaunceller de l'Eschequer, Chief Baron & toutes les Barons et Chamberleins de l'Eschequer, le Clerc du Tresorer, les deux Remembranciers, le Clerc du Pype, les Auditours & toutes autres officers & Ministers de l'Eschequer & de la Resceit. . . .<sup>2</sup>

It seems probable that the fees from accountants which became a definite part of the exchequer system and made the offices in the exchequer such valuable sinecures began as semi-voluntary gifts and payments in the manner described in the text. It is known that in this way the new year's gifts to the lord treasurer became a definite perquisite of office. The payments of the exchequer officers were small and relatively

possessions, to inquire into the concealment of customs, and to compel the sheriffs to deliver to them a copy of extracts or a summons of the pipe: *Cal. of Patent Rolls*, 1385–9, p. 318.

<sup>1</sup> Compare a note appended to a list of fees paid by sheriffs in 1611: 'Memorandum that if a sherife be soe farre in debt and pay it not, wherewith he is comitted to the Marshall or to the Sergeaut, or to the Fleete, in such cases his fees and charges may grow much greater. But that iustly increaseth upon him by his owne default and for not paying unto the King his due': L. T. R. Miscellaneous Books 118, fo. 192.

<sup>2</sup> *Rot. Parl.* iii. 588 a.

fixed, while the volume of business was increasing and prices had risen. The natural result of this state of things would be an attempt on the part of the officers to secure a sanction for the fee, an attempt which would naturally be opposed by the accountants.

There is evidence that some such struggle reached a critical stage between 1455 and 1458. In 1455 there was a petition of the commons that the taking of fees from accountants in the exchequer should be prohibited. It runs :

Where as divers officers in your Exchequer taken fees & wagez of you, for theym & their clerkez, for doying of their offices in the said Eschequier, notwithstanding the said officers and their Clerkes taken of Shirryves, Eschetours & of all other Accomptauntz in your said Eschequer, grete & outrageous yeftes fees & rewardes agenst all reason & conscience, & their office will not doo to the deliveraunce of your said Accomptauntz, till tyme they have suche outrageous fees rewardes & yiftes the which causen Shirryves, Eschetours, & other Accomptauntz to take outerageous & excessive fees, yiftes & rewardes for their seid Offices doying, of your liege people in the Shires where their Offices been. . . .<sup>1</sup>

It was petitioned that all fees be prohibited except (1) fees for entering pleas, pardons, writs, records, and judgements, but these were to be limited ; (2) the ancient fees belonging to an officer that held any office in inheritance in fee in the exchequer ; (3) fees for making searches and copies of records at the suit of a subject.

The text of this petition was closely followed by the act of 33 Henry VI, c. 3, prohibiting fees. This, however, was superseded by an ordinance of the council (28 July 1456) ' by the lords . . . assembled at Westminster in the Sterred Chamber considering the answer made by the Kinge's highnesse to a Comune peticione '. This evidence was sent to the treasurer and barons by the king in the following November and ordered to be observed in the exchequer, ' so that hereafter all greevinges and complaynts may ceese . . . agenst the officers and clerkys . . . '. It was ordered to be read openly and was entered on the Memoranda Roll (K.R.) for Michaelmas, 36 Henry VI. The ordinance in question consists of a lengthy list of fees which might be taken in the following offices of the exchequer : ' In th' offyce of the Kynges Remembrauncer. In the offyce of the Treasurer . . . ' According to this list the fees to be paid by the customer of Boston amounted to a considerable sum. He was to pay in the king's remembrancer's office ' for the entry of a viewe 5s. 8d.', in the lord treasurer's remembrancer's office ' for the entry of peticyons conteyning halfe a rolle 3s. 4d.', in the office of the clerk of the pipe 6s. 8d. to the master and 20d. to the clerks for the allowance of tallies, and 3s. 4d. for his discharge. To the auditors and their clerks

<sup>1</sup> *Rot. Parl.* v. 323 b.



for the examinyng preuving deuidinge castynge & wrytynge of everye accompte . . . if there be shippyng of wolles & no reteyners nor lycence . . . 26s. 8d. If there be reteyners or lycence . . . 40s. If there be no shypynge of wolles 13s. 4d. For every viewe 10s.

if there was shipping of wool, 6s. 8d. if there was not. And in the office of the chamberlains 5s. for joining of tallies.

This list of fees compared with the text of the poem suggests that in the fifty years or so between its date and the date of the ordinance, the gifts and bribes complained of by John Bell had become recognized payments. Caesar's curious description of the verses as 'privileges of the Exchequer Court, Chamber and men' suggests that he considered the extortions as corresponding with the fees whose existence had long been sanctioned by custom and which had become very much greater than those of the ordinance.

M. DOROTHY GEORGE.

### *Five Indentures between Edward IV and Warwick the Kingmaker*

ALTHOUGH the earl of Warwick was entrusted with the keeping of the sea, the captaincies of Calais, Guines, and Hammes, and the general guardianship of the northern border of England from the beginning of the reign of Edward IV, he apparently signed no indentures with the king until the early months of 1462, when Edward was much perturbed by the conspiracy of the earl of Oxford. No copy of the agreement for the keeping of the sea seems to have escaped destruction, but from a warrant which Edward sent to the exchequer on 26 February 1462 we learn that it was drawn up on 13 February of that year, which was the day after Oxford's arrest, that the earl was to serve the king for three years, beginning with the feast of St. Martin in winter last past, and that 'among other things contained in the said indenture' it was agreed that the earl should be paid a thousand pounds a year.<sup>1</sup>

Very soon after Oxford's execution Edward started on a progress through his kingdom, and it was at Lichfield that Warwick signed the indenture making him captain and warden of Carlisle and of the west marches towards Scotland. Of this indenture a copy is preserved in Exchequer Accounts 71/5, and, though it is without date, we learn from a warrant which Edward sent to the exchequer on 10 June 1463 authorizing the payment of what was 'behind unpaid' of the earl's wages,<sup>2</sup> and also from

<sup>1</sup> Warrants for Issues, 1 Edw. IV, 26 February.

<sup>2</sup> *Ibid.* 3 Edw. IV, 10 June.

a grant which the earl received on 2 January 1466,<sup>1</sup> that it was made on 5 April in the second year of the king's reign, and the grant of 2 January 1466 also says that the contract was signed at Lichfield. According to this indenture, the earl was to hold the wardenship for twenty years reckoned from the day of Edward's accession to the throne, and the king was to pay him £2,500 'in great' in time of war and £1,250 in time of truce or peace, payments being made quarterly and in advance. If 'a power royal of enemies' appeared, the earl was to be at liberty to 'enforce' the town and castle 'with convenable number of people', and in case of a siege he was to notify the king, who within six weeks 'shall make that siege to be removed and rescue the said castle and town, and else the said earl shall be excused of all perils that in that case may come'. On the other hand, if a peace or a long truce were signed between England and Scotland, the earl was to be duly warned 'that he may upon that ordain for his soldiers as the case requireth'. And, finally, if the earl wished to resign the wardenship, he must give the king a half-year's warning.

Of Edward's indenture with Warwick for the captaincy of Guines two copies exist in Exchequer Accounts 71/5. Both documents are somewhat torn, but at the end of one of them may be read, 'given at the city of Lichfield the 5th . . . second year of the reign of our sovereign lord the king abovesaid': and as Edward was not at Lichfield on the 5th day of any month of the second year of his reign except April,<sup>2</sup> this indenture must have been signed on the same day on which the agreement for the keeping of the west marches was signed. In this case the bargain was that the earl was to hold the captaincy of Guines for life, and must give the king a half-year's warning if, 'because of infirmity, sickness, lack of payment, or other cause reasonable', he wished to resign his office. As long as he was captain he was to keep, at the king's wages, a garrison of 50 men-of-arms on foot and 50 archers on foot, and the first quarter's wages were to be paid 'in hand at the making of these indentures', the rest at the beginning of each quarter by the hands of the treasurer of Calais, who was to be allowed to pay 'the third penny in victuals convenables and at such price as they shall be worth at Calais' at the time of payment. In time of war 10 men-of-arms on horseback and 20 on foot were to be added to the garrison, and if the castle seemed to be in danger the king and his council, upon warning from the earl, were to send him within twenty days, 'out of the realm of England or out of the town of Calais', 200 men-of-arms and archers, or less, as the case required, 'with sufficient victual, archery, and habiliments of war for the surety

<sup>1</sup> *Cal. of Patent Rolls, 1461-7, p. 422.*

<sup>2</sup> Privy Seals.

and safeguard of the said castle'. Should the castle actually be besieged, the earl was to have 'rescue sufficient' within forty days. Lastly, a careful agreement was made in regard to the division of the possible spoils and prisoners of war, which was to the effect that the king was to have the third of the earl's 'winnings of war' and 'the third of thirds' of the winnings of the members of the earl's retinue, while the earl and his retinue were to keep all prisoners 'except kings and sons of kings, constable, marshal, and lieutenant-general of France, except also the duke of Burgundy, his marshal and lieutenant-general, the which shall remain and be prisoners unto the king our said sovereign lord, and for the which he shall make reasonable agreement to him or them that so shall take them'.

Copies of Warwick's indentures for the captaincy of the town and castle of Calais and the tower of Rysbank and for the captaincy of Hammes are also to be found in Exchequer Accounts 71/5. That relating to Hammes is undated and the one relating to Calais is so badly injured that the date, if recorded, can no longer be read, but the probability is that they too were signed at Lichfield on 5 April 1462. The captaincies of Calais and of Hammes, according to these agreements, Warwick was to hold, like the captaincy of Guines, for life, and in Calais he was to maintain, at the king's wages, a garrison of 30 men-of-arms on horseback (including himself or his lieutenant and three other knights), 30 archers on horseback, 200 men-of-arms on foot, and 200 archers on foot, while the retinue of the treasurer of Calais was also to obey him 'in all things touching the surety and safeguard of the said town, castle, and tower'.<sup>1</sup> As at Guines, the wages were to be paid at the beginning of each quarter by the hands of the treasurer of Calais, with the third penny in 'victuals convenient', but as there were always special needs at Calais, in addition to his men-of-arms and archers the earl was to have under his command 40 'arbalesters', 20 carpenters, and 20 masons, 'over the artillery and pensioners', and the king promised to supply victuals and 'all manner habiliments of war and artilleries, with people convenient thereto'. In case of war in those 'parties' the king was also bound to send to the earl within six weeks after warning had been given to him or his council 140 men-of-arms on horseback, 150 archers on horseback, 100 men-of-arms on foot, 184 archers on foot, and four 'scuerours' on horseback, while in case of a siege, 'for the resistance thereof unto the time

<sup>1</sup> The garrison thus enumerated did not include 'the crew', which at this time consisted of 20 men-of-arms on horseback and 240 archers on foot and regarding which it seems to have been customary to make an entirely separate agreement. See Exchequer Accounts, France, bundle 196, no. 4 (8 August 1462). At Guines also, there was a 'crew' of 10 men-of-arms on foot (*ibid.*).

of the coming of the great rescue', the earl was to have a competent number of men-of-arms and archers within a month. And if the town and castle were not 'rescued' within two months 'and in default thereof any inconvenience afterward hap to fall to the said town or castle, that God defend', the earl was to be 'discharged and quitted' against the king and his heirs for evermore.

The indenture for the captaincy of Calais contained many further provisions, but few of them can be deciphered except that Warwick was to be allowed sufficient shipping and reshipping at the king's expense, that he was to make musters, views, and reviews quarterly before the treasurer and comptroller of Calais and report to them the names of his men, and that he was to have power to grant under his seal or signet safe-conducts, sureties, &c., to the king's adversaries to enter Calais and the marches. At Hammes Warwick was to keep for the defence of the castle, in addition to his deputy, one archer on horseback, 17 men-of-arms on foot, and 22 archers on foot: and the wages were to be paid quarterly, though in this instance at the end instead of at the beginning of the quarter, by the hands of the treasurer of Calais, the third penny to be, as usual, in victuals. In time of war the earl was to have 'in retinue with him' as many soldiers on horseback and on foot as had been customary in the past, and again the king was to receive 'the third part of winnings of war as well of the said earl as the third of thirds', while Warwick and his retinue were to retain all prisoners except princes, sons of princes, marshals, and lieutenants-general of any of the king's adversaries, and 'traitors such as have offended or shall offend within our said sovereign lord's pale and marches there'.

CORA L. SCOFIELD.

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### *The Early History of Jamaica (1511-1536)*

THE archives of the Indies at Seville in Spain, from which are drawn the documents printed below, afford much new information on the history of Jamaica under Spanish rule.<sup>1</sup> In 1510 Diego Colon, admiral of the Indies, sent Juan de Esquivel as his lieutenant into Jamaica.<sup>2</sup> The agreement ('asiento') which undoubtedly existed between the admiral and Esquivel has not come to light, neither has that entered into at the same time by Colon and Diego de Velazquez for the conquest of Cuba, but it is known<sup>3</sup> that to justify the dispatch of Velazquez the admiral

<sup>1</sup> For a short general account of these materials see Cundall and Pietersz, *Jamaica under the Spaniards*, preface.

<sup>2</sup> See nos. i, vi, viii, ix, below.

<sup>3</sup> I. A. Wright, *The Early History of Cuba*, pp. 22, 28.

relied upon King Ferdinand's desire, expressed, for instance, in a 'cédula' of May 1509, to know if there was gold in Cuba. Velazquez' nominal purpose on entering the island was to prospect, to inform the natives that they owed allegiance to the Crown of Spain, and to convert them. Colon could not authorize more : he himself had no authority to make further explorations and settlements.<sup>1</sup> Nevertheless, the intention of Velazquez and his followers was to possess themselves of Cuba and of its natives, and this they proceeded to do. Doubtless Colon extended to Esquivel no greater authority than to Velazquez ; but Esquivel was able to effect the conquest and settlement of Jamaica, which was said,<sup>2</sup> later, to have cost little hardship and the lives of but four Christians. The king had not been consulted as to the expedition into Jamaica, and knew nothing of Esquivel or of his merits. At midsummer in 1511, communications from the admiral,<sup>3</sup> from Esquivel himself,<sup>4</sup> and especially from the treasurer-general, Miguel de Pasamonte,<sup>5</sup> brought him the first news that Esquivel was in Jamaica, that gold had not been found there, and that many of the aborigines had been converted.

There could be no more convincing illustration than the first six documents printed below of the conflict which existed in Ferdinand's mind between fanaticism and greed, a conflict which was faithfully reflected in his policy in the Indies, where, theoretically, the Spaniards' first care was to save the souls of the natives by converting them to catholicism, but, in practice, their greatest exertion was to find gold, in the gathering of which, and in growing food to sustain gangs of men so employed, the aborigines were worked to death under that special form of slavery known as the 'repartimiento' (allotment). With respect to Jamaica, these documents<sup>6</sup> show Ferdinand desirous to convert the natives, and to treat them kindly, until, at the end of 1512, it became certain that there was no gold to be had in the island. Then, since alienating the natives was not in contradiction to his principal purpose of getting gold, he became willing not only that they should be compelled to grow food for Spanish expeditions to the mainland (where gold was being found, and it was at first hoped to keep the friendship of the natives by refraining from plundering and enslaving them), but also he was willing that the natives of Jamaica should be carried away into bondage in Hispaniola, provided only that an appearance of justification were maintained.<sup>7</sup> The fact that gold was not found in the island worked to hasten the agricultural development of Jamaica, which must have been stimulated by the

<sup>1</sup> See no. x, below.<sup>2</sup> No. xv, below.<sup>3</sup> No. ii, below.<sup>4</sup> Nos. iii, iv, below.<sup>5</sup> No. v, below.<sup>6</sup> Nos. i-vi, below.<sup>7</sup> No. viii, below.

demand of Castilla del Oro and Trinidad for its produce, meat, and those simple crops ('ajes', 'yuca', maize) and almost as simple finished products ('cacabi' bread, hammocks), which the Christians found in plenty<sup>1</sup> on the island when they arrived. This demand from the continent, and, in lesser degree, from Cuba, was met in large part by the Crown's two estates,<sup>2</sup> which were early developed. The continent paid in Indian slaves, who were sold for cash in Santo Domingo. To take account of these interests of the king's, the admiral reported that he had sent officials<sup>3</sup> to Jamaica. Negro slaves were introduced into Jamaica early; on 5 June 1513 Esquivel was authorized to import three, provided they were Christians.<sup>4</sup> Meanwhile, the aborigines were being assigned to settlers, in lots of 150, 200, and doubtless more, under the usual stipulations of 'vecindad' and 'encomienda'.<sup>5</sup> It was said<sup>6</sup> that as many as 1,500 'encomendados' worked the estates of the admiral and of his lieutenant:<sup>7</sup> probably the Crown's plantations were approximately as populous. This was a period of general prosperity. There were two settlements in the island, Oristan and Seville,<sup>8</sup> the more important being the port of Seville. There was a semblance,<sup>9</sup> at least, of a fortress at Seville, and a semblance, too, of municipal government, in 'alcaldes'<sup>10</sup> and a council, at this time appointed by the admiral's lieutenant.<sup>11</sup> Since the admiral had also named the officials, who in turn named their successors, it would appear that he absolutely controlled the island. The Crown decided to break this control.

The king was suspicious of Colon, especially at this time. It is even possible that he believed the admiral to intend to throw off allegiance to the Spanish Crown and set up a kingdom of his own in the Indies.<sup>12</sup> On the other hand, Ferdinand had

<sup>1</sup> No. xv, below.

<sup>2</sup> Nos. xv, xvii, below. Arch. de Ind. 139, 1, 6, viii, fo. 126, 203, 352 n.; 109, 1, 6, vi, fo. 17.

<sup>3</sup> Nos. xii, xv, below. 'The officials' ('los oficiales reales') were treasurer, accountant, and, usually, factor.

<sup>4</sup> Arch. de Ind. 139, 1, 5, iv, fo. 167.

<sup>5</sup> Doubtless Esquivel assigned 'encomiendas', with or without authority to do so. The earliest documents concerning such allotments are 'cédulas' dated September 1514, ordering Indians to be given to Rodrigo de Villareal, Alonso de Buïça, Anton Serrano de Cardona (Arch. de Ind. 41, 6, 1/24, fo. 13<sup>o</sup> *seqq.*). It would appear from document no. xvi that Garay and Maçuelo were to make these effective in a reassignment of the aborigines they undertook in 1515.

<sup>6</sup> No. xv, below.

<sup>7</sup> Arch. de Ind. 139, 1, 5, v, fo. 193.

<sup>8</sup> Nos. xvi, xviii, below.

<sup>9</sup> Nos. vii, xv, xvi, below.

<sup>10</sup> The two 'alcaldes' (first and second) were the principal municipal authorities; they were primarily judges.

<sup>11</sup> No. xv, below.

<sup>12</sup> See document no. xv, below. This alone would be insufficient evidence to support this statement, but among the documents at Seville there is much more of greater weight.

entire confidence in the treasurer, Miguel de Pasamonte. According to Las Casas, his contemporaries murmured that the treasurer made profit out of this confidence. Certainly it was through Pasamonte that Velazquez, by sending samples of gold from Cuba, gained as much reputation at court as Juan de Esquivel lost by sending none from Jamaica. Charges of negligence and misconduct were entered against him;<sup>1</sup> apparently he was accused of finding gold and failing to report it,<sup>2</sup> but it is possible that his downfall was due less to these things, even if he was guilty of them all, than to a failure to establish confidential relations with the treasurer, who, with the approval of the Crown,<sup>3</sup> was harassing the admiral by discrediting or removing those whom he had appointed to official positions. It was the admiral's right to appoint or to dismiss Esquivel, but Pasamonte indicated<sup>4</sup> a way to get rid of him, nevertheless, by the appointment of a 'juez de residencia' and the issuing of an order to Colon to select a competent person to succeed him. The Crown readily fell in with this plan. The appointment of the 'juez de residencia' was left to the royal officials of Hispaniola, that is, to Pasamonte.<sup>5</sup> Matters doubtless went hard with the conqueror of Jamaica in the years 1513 and 1514,<sup>6</sup> and before the end of 1515 he died.<sup>7</sup> His downfall was a minor consequence of the king's policy of curtailing Colon's authority, for the execution of which Pasamonte was his instrument in the Indies.<sup>8</sup>

On 9 January 1514 the Crown entered into an agreement for six years ('asiento', also called a 'concierto de compañía', which seems to have amounted to a partnership) with Francisco de Garay, evidently for the settlement and economic development of Jamaica, with the special end of supplying the continent.<sup>9</sup> The king, however, repented of the terms of this agreement, upon receiving a statement from the royal officials of Hispaniola showing the Crown's possessions in Jamaica, and the profits therefrom accruing, to be more than he had supposed them to be. He contemplated modifying the terms, but in 1519, at the expiration of the period of the agreement, he extended it for three years.<sup>10</sup> Garay was delayed on his journey, but he arrived in

<sup>1</sup> Nos. v, viii, ix, below.

<sup>2</sup> No. v, below.

<sup>3</sup> No. vi, below.

<sup>4</sup> *Ibid.*

<sup>5</sup> Nos. viii, ix, below.

<sup>6</sup> No documents have yet been found to show the findings in Esquivel's 'residencia', the taking of which seems to have constituted a precedent, nor have any yet been seen showing when, how, and by whom he was succeeded, if he was superseded before his death.

<sup>7</sup> Possibly earlier. He left a widow, Leonor de Guevara, by whom he had daughters (Arch. de Ind. 41, 6, 1/24, fo. 57<sup>v</sup>; 139, 1, 5, iv, fo. 167<sup>v</sup>).

<sup>8</sup> Nos. viii, ix, x, xi, below.

<sup>9</sup> Nos. xiii, xiv, xvii, below, and Arch. de Ind. 139, 1, 5, v, fo. 125<sup>v</sup>; 54, 3, 28, Maquelo and the Crown, 10 December 1536.

<sup>10</sup> No. xvi, below, and Arch. de Ind. 139, 1, 5, viii, fo. 125.

Jamaica,<sup>1</sup> at the port of Seville, on 15 May 1515, with the title of governor's lieutenant from the admiral, and, from the king, those of captain, 'allid', and 'repartidor' (assigner) of natives; but in certain of these capacities he was empowered jointly with Pedro de Maçuelo, royal treasurer for Jamaica, who had preceded him by six months in arriving, and would seem to have employed that time well in making his own position strong. He had put the admiral's lieutenant out of office, and taken in hand the matter of reassigning the natives, naming two 'visitadores', who were more than inspectors, to take a census of the island. The governor found him installed in the best house in Seville, and also in command of the fort, advantages he was loath to relinquish. Friction immediately developed between these two men.<sup>2</sup> Eventually Maçuelo succeeded in the governorship,<sup>3</sup> in which Garay had doubtless lost interest, since before 1522 he had abandoned Jamaica to play a part in the conquest of Mexico.<sup>4</sup>

Garay removed the settlement of Seville from its first site to a second,<sup>5</sup> and built a second fort,<sup>6</sup> of which the Crown on 19 June 1519 appointed him warden on a salary of twenty thousand 'maravedis' a year, to be paid him by Gonzalo de Guzman, treasurer of the newly discovered Yucatan.<sup>7</sup> Garay's son, Antonio de Garay, succeeded him as warden of this fort, which, in 1527, was described<sup>8</sup> as being so badly in need of repair that it threatened to fall in upon its garrison, which, the Crown was informed, should consist of at least two men.<sup>9</sup> This fort seems to have been more than one story high, built of brick and mortar by Indian labour.<sup>10</sup>

Friars went early to Jamaica.<sup>11</sup> Before 1526 there was a Franciscan house in the island.<sup>12</sup> The abbacy of Jamaica had been created. On 29 January 1515 Don Geronimo Vichy, Spanish ambassador at Rome, was instructed<sup>13</sup> to negotiate for it, and he and Garcia de Gibraleon, apostolic secretary, procured<sup>14</sup> the papal approval for Ferdinand's chaplain, Doctor Sancho de Matienço, treasurer of the house of trade at Seville and canon of the cathedral, whom the Crown presented as first abbot of

<sup>1</sup> No. xvi, below. Garay brought with him horned cattle, sheep, agricultural implements, artisans, &c.

<sup>2</sup> Nos. xv, xvi, xvii, below.

<sup>3</sup> Arch. de Ind. 139, 1, 17, ii, fo. 164<sup>v</sup>.

<sup>4</sup> *Ibid.* 139, 1, 16, viii, fo. 357. Garay was made 'adelantado', and governor and captain-general of Panuco.

<sup>5</sup> No. xviii, below.

<sup>6</sup> Nos. xvi, xviii, below.

<sup>7</sup> Arch. de Ind. 139, 1, 16, viii, fo. 76<sup>v</sup>.

<sup>8</sup> *Ibid.* 139, 1, 7, xii, fo. 112<sup>r</sup>.

<sup>9</sup> *Ibid.* fo. 118<sup>v</sup>.

<sup>10</sup> *Ibid.* fo. 112; 79, 4, 1, Y I, fo. 129<sup>v</sup>.

<sup>11</sup> No. vii, below.

<sup>12</sup> Arch. de Ind. 139, 1, 5, ix, fo. 29; 139, 1, 7, xi, fo. 231.

<sup>13</sup> *Ibid.* 139, 1, 5, v, fo. 145-6.

<sup>14</sup> *Ibid.* fo. 146<sup>v</sup>.



Jamaica. The necessary bulls were procured<sup>1</sup> after a little difficulty, and Matienço seems to have taken possession by proxy,<sup>2</sup> presumably in 1516. He had trouble in collecting his share of tithes ;<sup>3</sup> indeed, the settlers objected to paying tithes at all, especially for the first years of the colony's existence, preceding the arrival of the treasurer Maçelo, who endeavoured to collect both these and other revenues due to the Crown.<sup>4</sup> On 11 March 1522 the Crown presented<sup>5</sup> the 'licenciado' Andres Lopez de Frias, apostolic protonotary, to the abbacy of Jamaica, Matienço being deceased, and he was duly instituted,<sup>6</sup> despite which, for reasons which the documents at present available do not disclose, the Crown on 27 March 1523 presented to succeed Matienço, a Jeronimite friar, Luis de Figueroa, whom the king desired at the same time to make bishop of La Concepcion, in Hispaniola, and president of the royal 'audiencia' at Santo Domingo.<sup>7</sup> At this time the Jeronimite tribunal of Santo Domingo seems to have paid some attention to Jamaican affairs.<sup>8</sup> In 1526 Peter Martyr, 'abbot of that island and member of the council for Indies', was interested in building a church in Jamaica with the labour of natives, whom Maçelo desired otherwise to employ,<sup>9</sup> and with money which the abbot and the Crown seem jointly to have contributed. To this work also the Crown devoted a hundred thousand 'maravedis' appropriated for a hospital, which, it was explained, was unnecessary at Seville, where the settlers cared for the sick, receiving them into their homes.<sup>10</sup> In 1528 the 'maestro fray' Miguel Ramirez, bishop of Cuba, succeeded on the death of Peter Martyr as abbot of Jamaica.<sup>11</sup> He visited the island in person, greatly to its detriment, as it was said in Cuba at the time.<sup>12</sup> He was succeeded by the 'licenciado' Amador de Samano in 1535, who, presently arriving in Jamaica 'sick, thin and poor, . . . desired extremely' to return to Castile.<sup>13</sup>

The documents available suggest that, meanwhile, life moved monotonously in Jamaica. Development was slow, but there

<sup>1</sup> *Ibid.* fo. 214 ; vii, fo. 99.

<sup>2</sup> *Ibid.* 139, 1, 5, vi, fo. 7 ; 41, 6, 1/24, fo. 71.

<sup>3</sup> *Ibid.* fo. 165<sup>v</sup>. : viii, fo. 192<sup>r</sup> ; 79, 4, 1, Y II, fo. 10<sup>r</sup>.

<sup>4</sup> No. xv, below.

<sup>5</sup> Arch. de Ind. 139, 1, 6, ix, fo. 1<sup>r</sup>, 112.

<sup>6</sup> *Ibid.* fo. 239.

<sup>7</sup> *Ibid.* fo. 112<sup>r</sup>.

<sup>8</sup> *Ibid.* 139, 1, 5, vi, fo. 22 ; vii, fo. 16.

<sup>9</sup> *Ibid.* 139, 1, 7, xi, fo. 165 ; xii, fo. 112 ; 79, 4, 1, Y I, fo. 128, 135.

<sup>10</sup> *Ibid.* fo. 164.

<sup>11</sup> *Ibid.* 139, 1, 7, xiii, fo. 68, 68<sup>v</sup>, 80, 81<sup>v</sup>, 101 ; 79, 4, 1, Y I, fo. 46<sup>v</sup>.

<sup>12</sup> Wright, *The Early History of Cuba*, pp. 120, 132.

<sup>13</sup> Arch. de Ind. 79, 4, 1, Y II, fo. 31<sup>v</sup>, 34<sup>v</sup>, 35, 35<sup>v</sup>, 36<sup>v</sup>, 136<sup>v</sup>, 146, 147<sup>v</sup>, 148 ; 54, 3, 29. The last document is an undated instruction to a proctor whom the abbot was sending to court. It seems to have been written from Mexico, perhaps about 1539, and contains evidence, which other documents also offer, that the 'licenciado' Samano was interested in trafficking in ships, slaves, &c.

was development, both political<sup>1</sup> and economic.<sup>2</sup> Having appointed Juan Lopez de Torralba to be royal accountant in Jamaica, the Crown on 17 July 1519 issued him instructions<sup>3</sup> which suggest that already it was considered desirable to place a check on the treasurer, Pedro de Maçuelo. Yet he succeeded Garay in the governorship, as has been said, and not until 1526 was his 'residencia' ordered to be taken and his successor to be named in that capacity:<sup>4</sup> he was continued in his office of treasurer, but he was superseded in the governorship, possibly by Pedro Cano, 'vecino' (householding citizen) of Jamaica.<sup>5</sup> The agreement between the Crown and Garay expired in 1523, and the colonists of Jamaica petitioned to have the king's share of the property concerned sold to them, on credit, as relief for the necessitous condition of the island.<sup>6</sup> Garay died, but not until 1528 was effective action taken to dissolve that partnership<sup>7</sup> 'in cattle and mares and plantations and Indians', on the basis of an equitable division of the increase of the property involved, Garay's half passing to his son Antonio, a minor. This young man seems to have defended his inheritance with difficulty against the executors selected by his father, and especially against the treasurer, Maçuelo.<sup>8</sup> The chief items in this inheritance were two sugar-mills, the one producing twelve thousand arrobas of sugar a year, and the other not quite completed at the time of the elder Garay's decease.<sup>9</sup> Its completion was delayed by the dissolution of the partnership, especially, it would seem, by

<sup>1</sup> Not all of Jamaica's town councillors were named by the admiral's lieutenant, for Lopez de Torralba was appointed by the Crown 'regidor' during his majesty's pleasure (Arch. de Ind. 139, 1, 6, viii, fo. 110), as were other persons during that same year of 1519 and those immediately following: Pedro de Bobadilla, 16 August 1519 (*ibid.* fo. 121<sup>v</sup>); Pedro de Espinosa, 6 September 1521 (he was also treasurer for the province of Santa Marta) (*ibid.* fo. 234<sup>r</sup>; xiii, fo. 194<sup>r</sup>); Juan de Bolaños, 20 June 1526 (*ibid.* 139, 1, 7, xi, fo. 47-8); Francisco Garcia Bermejo, 13 December 1527 (*ibid.* 139, 1, 7, xii, fo. 252); Diego de Espinosa, 1 July 1528 (*ibid.* 139, 1, 7, xiii, fo. 234<sup>v</sup>); Francisco Bejarano, 1 July 1528 (*ibid.* fo. 235<sup>v</sup>). See Maçuelo's suggestion in no. xv below. Other documents (Arch. de Ind. 139, 1, 7, xii, fo. 249<sup>v</sup>, 250<sup>v</sup>, 251) suggest that these are names of the prosperous agriculturists and cattlemen, *encomenderos*, and slave-owners of this period. Alonso Sanchez resigned the inspectorship of Jamaica's gold-smelting plant (which may not have existed) to his son, Luis Sanchez de la Torre (4 December 1525, *ibid.* 139, 1, 6, x, fo. 205<sup>r</sup>). Because the son was under age, Juan de Mendeguren was given the office and its salary (*ibid.* 139, 1, 7, xi, fo. 231) for two years; meanwhile, Luis entered the Franciscan monastery of the island and Mendeguren retained the inspectorship (*ibid.* fo. 206). Martin Perez de Mendeguren was made notary of Seville on 14 September 1526 (*ibid.* 139, 1, 7, xi, fo. 204).

<sup>2</sup> *Ibid.* 139, 1, 6, viii, fo. 303<sup>v</sup>, 305, 358<sup>v</sup>; 139, 1, 7, xiii, fo. 322<sup>r</sup>.

<sup>3</sup> *Ibid.* 139, 1, 6, viii, fo. 99.

<sup>4</sup> *Ibid.* 139, 1, 7, xi, fo. 164<sup>r</sup>.

<sup>5</sup> *Ibid.* 79, 4, 1, Y II, fo. 148, 176.

<sup>6</sup> *Ibid.* 139, 1, 7, xi, fo. 189.

<sup>7</sup> *Ibid.* fo. 146, 189; xiii, fo. 305, 391<sup>r</sup>; 79, 4, 1, Y I, fo. 126<sup>v</sup>.

<sup>8</sup> *Ibid.* 139, 1, 7, xi, fo. 157<sup>v</sup>; xii, fo. 111<sup>r</sup>. His guardian was Juan Mosquera, a very active and influential citizen of La Española.

<sup>9</sup> *Ibid.* 139, 1, 7, xi, fo. 157<sup>r</sup>.

a scarcity of labour, in that certain 'encomendados' were removed from the estate.<sup>1</sup> Indians were scarce now; the colonists of Jamaica in their turn desired to fetch aborigines from the continent to serve in that island.<sup>2</sup> Maçuelo owned a third mill, of his own, on the south coast. Something of royal favour was extended to this nascent sugar industry in that Antonio Garay was permitted<sup>3</sup> to import machinery, implements, &c., to the value of fifteen hundred 'pesos', for his mills, free of duty. Further, Maçuelo, who went to Spain on leave,<sup>4</sup> negotiated for his estate the immigration of thirty Portuguese field labourers and their households, who were given free passage and exemption from customs duties on their effects.<sup>5</sup> Also, for his estate, Maçuelo procured licence 'to pass' thirty negro slaves, on which slaves he was to pay no dues, provided he brought the estate to completion within three years.<sup>6</sup>

The king's portion of the property involved in the partnership with Garay passed into the possession of the royal officials 'and other persons' designated by the 'audiencia' at Santo Domingo to act with them in selling it at proper prices by public auction, on credit, under adequate guarantees, the settlers of Jamaica having a preference over others—for instance, those of Santa Marta—who desired to buy.<sup>7</sup> Settlers in Honduras applied for some of the live stock.<sup>8</sup> The distribution of the property was not satisfactorily effected: serious charges of fraud were made against the royal officials. It is significant that whereas Antonio Garay referred to his half of the property as being worth twenty thousand 'pesos', these officials informed his majesty that his half brought fifteen hundred at the sale.<sup>9</sup> In 1533 the Crown commissioned the 'licenciado' Gil Gonzalez de Avila, 'juez de residencia', to make thorough inquisition into the administration of all those officials in Jamaica whose authority emanated from the Crown, and to audit accounts.<sup>10</sup> Gonzalez de Avila was governor's lieutenant there while this investigation was in progress, and neither the vicereine nor Luis Colon was to appoint any other person to that post until the council for the Indies should have seen its results.<sup>11</sup> The 'licenciado' died while engaged in this duty,<sup>12</sup> and, to finish the task he left

<sup>1</sup> *Ibid.* 79, 4, 1, Y I, fo. 118<sup>v</sup>.

<sup>2</sup> *Ibid.* fo. 133.

<sup>3</sup> *Ibid.* fo. 129.

<sup>4</sup> *Ibid.* 139, 1, 7, xiii, fo. 242<sup>v</sup>.

<sup>5</sup> *Ibid.* 79, 4, 1, Y II, fo. 22, 33<sup>v</sup>.

<sup>6</sup> *Ibid.* fo. 27. Documents concerning Maçuelo's activities on behalf of this estate are numerous and interesting, but belong rather to a succeeding period in Jamaica's history. It would appear that the town of Seville was removed to his plantation, its previous site being unhealthy and less desirable.

<sup>7</sup> *Ibid.* 139, 1, 7, xiii, fo. 194<sup>v</sup>.

<sup>8</sup> *Ibid.* fo. 391<sup>v</sup>.

<sup>9</sup> *Ibid.* 79, 4, 1, Y I, fo. 118<sup>v</sup>, 164.

<sup>10</sup> *Ibid.* 79, 4, 1, Y I, fo. 124<sup>v</sup>, 118, 121, 123, 127<sup>v</sup>.

<sup>11</sup> *Ibid.* fo. 123.

<sup>12</sup> *Ibid.* 54, 3, 28, Maçuelo to the Crown, 10 December 1536; 79, 4, 1, Y II, fo. 103<sup>r</sup>.

incomplete an excellent citizen named Manuel de Rojas arrived from Cuba.<sup>1</sup> He, too, was governor's lieutenant in Jamaica, and it was during his term of office, before the end of 1536, that news arrived that the Crown had ceded the island and its jurisdiction, both civil and criminal, to the admiral, Luis Colon.<sup>2</sup>

In the documents which follow, the scanty punctuation of the original has been supplemented. The marginal notes of the clerks have been omitted except where they add information not to be found in the body of the text. I. A. WRIGHT.

## I

Contratacion de Sevilla, Libros de Registros de Reales Ordenes 6 June 1511 y Cédulas, Años 1508 a 1519, Estante 41, Cajon 6, Legajo 1/24, fo. lxxxv.

## El Rey

miguel de pasamonte nuestro tesorero general de la isla española . . . escriuidme que persona es Juan desquibel que esta en jamaica, y que tal lo hallastes para en las cosas de nuestro seruicio quando le despacho el almirante para alla ; y auisadme de la manera que tuvo con vosotros el almirante al tiempo que le despacho, y lo mismo me escriuid del que fue a la ysla de cuba.

la juridicion . . .

fecha en seulla a VI dias del mes de junio de DXI años yo el Rey.

## II

Contrat. de Sev., Lib. de Regist. de Real. Ord. y Ced., Años 1508 a 21 June 1511 1519, Est. 41, Caj. 6, Leg. 1/24, fo. lxxxii<sup>v</sup>.

## El Rey

Don diego colon, nuestro almirante . . .

muncho plazer ove con ver la carta que me enviastes de juan desquibel, e doy muchas gracias a nuestro señor por la merced que alli nos hizo en convertir tantos xrispianos ; a el plega de hazellos tales que los lleve a su gloria ; y pues aquella ysla se funda de nueuo, deveys poner mucha diligencia e cuydado en dar horden en la governacion de tal manera que los yndios sean xrispianos, asi de obras como de nombre y que no sean como en esa ysla española, que no tienen mas de xrispianos sino el nombre, saluo los mochachos que crian los frayles, que aquellos diz que lo hazen bien ; y asy mismo deveys de dar orden e mandar pregonar que no carguen los yndios, ni se les agan otros agrauios que se solian hazer en esta ysla española en los tiempos pasados e yo tenre cuydado de probeer muy presto para lo espiritual en aquella ysla.

tengo en seruicio . . .

De seulla a XXI del mes de junio de DXI años.

yo el Rey.

<sup>1</sup> Arch. de Ind. 54, 3, 28, Maçuelo to the Crown, 10 December 1536.

<sup>2</sup> *Ibid.* 79, 4, 1, Y II, fo. 79, 148<sup>v</sup>.

## III

Indif. General, Regist., Lib. generalisimos de Real. ord., nom- 25 July 1511  
bram., grac., etc., Años 1492 a 1512, Est. 139, Caj. 1, Leg. 4, Tom. 3,  
fo. 131 v.

## El Rey

Juan desquybel: yo he sabido con quanta gana y voluntad aveys trabajado e trabajays por nos seruir en la poblacion de Jamayca y en el buen tratamiento de los yndios della, lo qual os agradezco y tengo en seruicio, y asy vos encargo e mando lo continueys; y procureys con mucho cuydado y segund yo de vos fio de saber muy particularmente todo el secreto desa dicha ysla, y sy ay oro en ella y en que cantidad y de que lo tengays bien sabido, escreuidmelo muy particularmente, de manera que de todo ello pueda ser complidamente ynformado; y trabajad por la mejor manera que pudierdes como los yndios desa dicha ysla hagan comidos y las otras labranças que mejor se pudieren ay hazer, porque del fruto de todo ello se puedan provechar los de la tierra firme, que esta en la necesidad de mantenymientos que avreis sabido; y vos, por mi seruicio, con mucho cuydado y diligencia, segund yo de vos confio, los hazed enbiar a tierra firme a los que pudieren, y lo mas baratos que hallare, porque en cosa no me podreis fazer mejor seruicio.

de tordecillas a XXV dias de Julio de mill e quynyentos e honze años.  
yo el Rey.

por mandado de su alteça, lope conchillos.

## IV

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 25 July 1511  
Años 1492 a 1512, Est. 139, Caj. 1, Leg. 4, Tom. 3, fo. 127.

## El Rey

don diego colon, nuestro almyrante, Vissorrey . . .

II.—plazer he auydo de sauer las nuevas que me escreuis de Jamayca, y pues aquello esta ya en tales terminos que juan desquiuel e los xriptianos que alli estan puedan estar seguramente, pareceme que deben de poner diligencia en buscar oro para que sy no se hallare se de orden en la manera de vibir que alli han de tener los vecinos de aquella ysla. . . .

e entretanto que non se halla oro en la ysla de Jamayca, deveys de escreuir a juan desquiuel que ponga mucha diligencia que los yndios de aquella ysla hagan los mas comidos e mantenimientos que pudieren, porque desde alli puedan proueer a los de la tierra firme, porque a los que alli estan non se enemysten con los yndios de ella en tomalles los mantenymientos como fasta aquy lo han fecho.

dada en tordecillas a XXV de Julio de DXI años.  
yo el Rey.

por mandado de su alteça lope conchillos.

## V

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 23 February 1512  
Años 1502 a 1512, Est. 139, Caj. 1, Leg. 4, Tom. 3, fo. 260.

## El Rey

don diego colon, nuestro almirante, etc. . . .

XI.—a lo que vos, el almyrante, dezis que estays esperando cada

ora nueva de Jamayca e cuba, por cierto yo la estoi esperando con mucho deseo, y pues ya se ha hallado en ella alguna muestra de oro por muy pequeña que sea, estando en el sitio que ella esta, creese de cierto que en ella ay oro, ponyendose en buscarlo la diligencia que es razon; y pues que en esto va tanto, como vosotros saueys, para el seruicio de nuestro señor y nuestro, por seruicio mio que os desueleys y procureys de poner recabdo, para que sy lo ay se sepa luego; y demas de las otras provisiones que alla vosotros hallareys que se devan de hazer sobre ello, pareceme que deueys enbiar luego ocho o diez personas de las que mas saben en esa ysla en cogerlo, y con ellas una persona propia que con ellos enbieys no para otra cosa sino para solicitarlos, y para que no se pueda encubrir si lo ouiere, como se hizo en la ysla de la trinidad, que enbiastes a catar, que aviendolo, como diz que lo ay, lo encubrieron los que lo fueron a buscar por hazer mejor su partido; y semejantes cautelas y engaños deveyslas mucho castigar vos, el almyrante, y aunque yo tengo por buen hombre a juan desquivel por lo que del me aveys escrito, pero podia ser que tiene algun respeto a esto, y hazerme eys saber en todo caso, con el primer nauio que ouyere, todo lo que sobre esto ouierdes proveydo. . . .

fecha en burgos a XXIII de hebrero de MDXII años

yo el Rey.

por mandado de su alteça, lope conchillos.

señalada del obispo de palencia.

## VI

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 10 December 1512  
Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 4, fo. 51.

El Rey

Miguel de pasamonte, nuestro tesorero general, etc. . . .

lo que dezis sobre la prouision de la ysla de Jamayca y de las otras, me parece muy bien y vos lo tengo en seruicio; y aquellos ofycios, como saueys, son de prouer al almirante, pero yo enbio a mandar que a Juan de squibel se tome Resydençia para que conforme a Justicia sea castigado de lo que ouiere fecho, y desta manera se podra remediar todos los ofycios que touiere mal proueydos el dicho almirante.

en lo que dezis que no se hallar oro en la dicha ysla de Jamayca seria bien que se diese horden como de aquella ysla se truxiese alguna gente para seruir en la española, dexando algunos caciques a la parte del sur que hagan labrancas, platicadlo alla con el almirante e juezes y oficiales y ved la manera que se podrya tener para que se traygan con menos trabajo y escandalo y daño de los yndios, porque no digan que lo fazen syn justicia, y todos juntamente me enuyeyes vuestro parecer sobre ello. . . .

dada en log. a diez dias del mes de diziembre de DXII.

yo el Rey.

de los susodichos.

## VII

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 10 December 1512  
Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 4, fo. 51<sup>v</sup>.

El Rey

gil gonçalez dauila, nuestro qontador: bi vuestra letra de DXII y bien faceis en escreuirme tan largamente de todas las cossas de alla. . . .

. . . en lo de la fortaleza de Jamayca, yo lo mandare ver proueber como combenga. . . .

en do de los mantenymientos que se ymbiaron a los frayles que estan en cuba y Jamayca, fue muy bien fecho y para semejante cosa yo he por bien que se gaste alguna cosa, como os escribo en la carta que ba para bos y para vuestros compañeros. . . .

fecha en logroño a diez dias del mes de diziembre de DXII años.

yo el Rey.

por mandado de su alteca, lope Conchillos ; señalada del obispo de palencia.

### VIII

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 12 December 1512 Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 4, fo. 56.

#### El Rey

nuestros juezes de apelacion, etc., yo reciui ynformacion que juan de esquivel, que enbio el almirante por su lugarteniente a la ysla de jamayca, a seruido muy negligente en todo aquello que convenya a seruicio de dios nuestro señor e nuestro, ansy para la conversion de los yndios e pacificacion de aquella ysla como para el acrescentamiento de nuestras Rentas ; y a permitido fazer y ha fecho algunos excesos e males dignos de mucha punycion e castigo, y porque a el sea dada la pena condigna a los dichos delytos que ouiere cometydo es my merced e voluntad de le mandar tomar Resyendencia, e confiando de vosotros que soys tales personas y saveys muy bien fazer e proueer de persona qual para tomalle la dicha resyendencia convenga, por ende yo vos mando que luego que esta my cedula veays, con la mas breuedad que sea y pueda, enbyeys una persona a la dicha ysla de confiança y que lo sepa muy bien fazer, para que le tome Resyendencia al dicho Juan de esquivel, para tomarla qual le dad la comysion e ynstrucion que vieredes que convyene ; al qual dicho Juez de Resyendencia mandareys que sy hallare culpante al dicho juan de esquivel le traya o enbien preso ante vosotros, al qual terned preso y a muy buen recabdo y enbiarme eys Relacion de las cossas e culpas que contra el se hallaren para que yo vos envie a mandar lo que sobre cada cossa dello ouierdes de justicia ; y en esto poned el cuydado e buena diligencia que yo de vosotros confio, que en ello me seruyreys ; y yo enbio con la presente una cedula al dicho almirante, para que despues que vosotros ayays fecho tomar resyendencia al dicho juan de esquivel provea ally de otra persona, que tenga en su nombre la gouernacion e admynistracion de la dicha ysla conforme a sus preuilejos.

de logroño a diez dias de diziembre de quinientos e XII años.

yo el Rey.

de los dichos.

### IX

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 12 December 1512 Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 4, fo. 45<sup>v</sup>.

#### El Rey

Don diego colon, etc. : yo he sido ynformado que Juan de esquivel, que vos enbiastes por vuestro logarteniente a la ysla de Jamayca, a serui-

dome muy negligente, asi en la conversion de los yndios e pacificacion de la dicha ysla como en el acrescentamiento de nuestras Rentas Reales, y en todo lo otro que vos de nuestra parte le mandastes que alli hiziese para la poblacion de aquella ysla y en sauer sy abia oro en ella ; y demas de lo susodicho diz que a fecho algunas cossas en nuestro deseruicio y daño de los pobladores de la dicha ysla e de los yndios della, por lo qual yo enbio a mandar a los nuestros Juezes de apelacion dessa ysla que ymbien a tomar Resydencia al dicho diego de esquivel, conforme y como se faze a los que tienen cargo de gouernacion en estos Reynos ; por ende yo vos mando que despues que los dichos nuestros juezes le ayan fecho tomar e se le aya tomado la dicha Resydencia, enbyeis una persona en vuestro nombre e con vuestro poder bastante para ser vuestro lugartheniente en la dicha ysla de Jamayca, e que lá persona sea tal qual convenga a seruicio de dios nuestro señor e nuestro, e al bien de los pobladores de la dicha ysla e de la conversion de los yndios della.

fecha en log. a XII dias del mes de diziembre de mill e quinientos e doze años.

yo el Rey.  
de los dichos.

## X

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 12 December 1512 Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 4, fo. 36<sup>v</sup>.

### El Rey

don diego colon, etc., e a los nuestros jueces de apelacion. . . .

dezis que en esas partes y en tierra firme se ofrescen muchas cossas que conviene a nuestro seruicio que se prouean, e que no os determinays en proueerlas por no tener facultad de nos para ello, e me suplicauades vos enbiase a mandar lo que en semejantes cosas deviades hazer, y por el capitulo de vuestra carta no particularizays ninguna cossa de las que se podrian hazer para que fuese necesario proueherse, e sy partycularizades algunas cosas por aquellas se pudieran sacar las otras que pudieran subceder e que hauia necesidad de proueerse. quando ansy escriuires algunas cossas en generalidad, deveys de particularizar algunas por que por aquellas se puedan sacar las otras ; y hasta agora no se vos a enbiado licencia para que podays enbiar a lo susodicho, ny para descubrir, porque no la haueis pedido ; y en lo de la tierra firme, no es necesidad que proueays agora otra cosa sino lo de la caravela e vergantin que dezis que enbyays, saluo sy de ella no vos enbiasen a pedir mas socorro de gente e mantenymientos o otra cossa, porque, como arriba digo, yo lo mandare prouehier desde aca ; porque en lo que toca e para la pacificacion e poblacion de las yslands de san juan e cuba e Jamayca e para el bien e acrescentamiento dessa ysla e cossas que para todo ello convengan, por la presente os doy licencia e facultad para que lo podays todos juntamente hazer y proueer como bieredes que conuenga, ansy al seruicio de dios nuestro señor e nuestro, como al bien e pro e utilidad de las dichas yslands e pobladores dellas, e para acabarse de descubrir el golfo, y saber sy ay estrecho en el, y para poblar alguna ysla de las comarcanas a esa dicha ysla, e saver sy ay en ellas oro, y para poblar a veragua, y todo lo otro que descubrio



por su persona el almirante don xriptoual colon, e para poblar lo que descubrieron bicente yañes pinçon y juan diaz de solis, y para acabar de descubrir el Golfo de la española y saber sy ay estrecho en el, como hasta aqui lo an creydo algunos, y para algunas otras cossas que bierdes que *sson conplideras a nuestro seruicio y que en consultallas con nos se perdera tiempo*; ansymismo vos doy licencya para que todos juntamente podais gastar lo que fuere menester para armar dos nauios para cada una cosa de las susodichas, syn esperar para ello mandamiento nuestro; y por la presente mando a vos, el contador, que libreys para ello todo lo que por todos vosotros, o por la mayor parte, fuere acordado que se deba gastar en ello y a vos el thesorero mando que lo que en vos fuere librado para lo susodicho lo cumplays; pero quando ansy enbiaredes o fizieredes algun gasto conforme a lo susodicho, hazernoslo heys saver muy clara y particularmente, declarando a donde y como y a que partes van, y el gasto que sobre ello ovieredes fecho o se hiziere, y todo lo que mas fuere necesario para que yo pueda seer enteramente ynformado de todo ello.

. . . . fecha en logroño a diez dias del mes de diziembre de myll e quynientos e doze años.

yo el Rey.

por mandado de su alteza, lope conchillos; señalada del obispo de palencia.

## XI

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 15 (?) May 1513 Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 4, fo. 136.

### El Rey

Don diego Colon, nuestro almyrante, visso Rey, etc., e a los nuestros jueces e oficiales de la dicha ysla; vy el memorial que enviastes y os dieron alla los de la ysla de Jamayca, de cosas que enbiauan a demandar, y pues en la dicha ysla no se alla ny ay muestra de oro y ay tan buen aparejo para tener granjerias y hazer fruto con ellas, y poner y senbrar algodoñales para hazer hamacas para los yndios, pues de aqui adelante cada uno es obligado a tener una amaca para cada yndio de los que touiere, e para otras cosas de seruicio y prouecho desa dicha ysla y de los tratantes y estantes en la dicha ysla de Jamayca; por ende yo vos mando que vosotros alla platiqueys la mejor forma que os pareciere que se puede dar para hazer y tener las dichas granjerias; proueays y deys la horden que alla a todos mejor pareciere para hazer y tener las dichas granjerias con los yndios della, syn que los ocupen en buscar oro con ellos; y para ello hagays las hordenancas que os parecieren, y en los primeros navyos que vynieren me hazed saber lo que sobre lo susodicho hizieredes e proueyeredes, para que yo lo mande y proueer sobre lo que viere que mas convenga.

y en quanto a lo que pedian que por diez años no pagasen la sal que comyesen e ovyesen menester, porque tenyan mucha costa en yr por ella de la parte de la costa del sur; porque yo quiero primero que se les conceda seer ynformado de la dicha nescesidad que tienen e como e de que manera comen agora la dicha sal, yo vos mando que os ynformeys agora de todo ello, y me ynbyeys la relacion con vuestro parecer para que yo pueda

proueer sobre ello lo que conviene a nuestro servicio y al bien de la dicha ysla e pobladores della.<sup>1</sup>

y en quanto a lo que pedian que a los que oviesedes de desterrar de la dicha ysla por cosas de crimen para otras yslas, que fuesen para aquella de Jamayca, debeys moderar e comutar los dichos destierros que como ovieren de ser para otras yslas que sean para la dicha ysla de Jamayca, sy los exesos que ovieren cometido no merecieren mayor punicion y castigo, porque mientras mas gente ovyerere en la dicha ysla mejor se podran acrescentar y hazer las dichas granjerias que en ella se obieren de hazer.<sup>2</sup>

## XII

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 4 July 1513  
Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 4, fo. 307.

### El Rey

Don diego colon, nuestro almirante, visorrey, etc. . . .

7.—en las prouisiones que dezis que hazeis lleuar de Jamayca, me ha parecido muy bien, y dello deveis tener mucho cuydado que se continuen, pues ansy a los que lo llevaren como a los que lo llevan tanto fruto y prouecho se seguira ; y en lo de los oficiales que dezis que aveys proueydo para que tenga la Relacion e quenta e razon de todo ello, ha sido muy bien hecho ; y deveis enbiar los nombres de las tales personas y quien es cada uno y que salario tiene señalado, para que de aca yo les mande enuiar sus prouisiones en forma de los tales oficios ; y tanuien deueys proueer como de la dicha ysla de Jamayca se lleuen mantenymientos a tierra firme.

8.—asymismo me ha parecido muy bien todo lo que proueystes en los capitulos que dio el procurador de Jamayca, porque todo se conforma casi con lo que yo desde aca avia mandado Responder a todo ello, como avreis visto por el despacho que sobre ello os enbie que creo sera llegado. . .

De valladolid a IIII de julio de DXIII.

yo el Rey.

por mandado de su alteça, lope conchillos ; señalada del obispo de palencia.

## XIII

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 28 October 1514  
Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 5, fo. cxviii<sup>r</sup>.

### El Rey

nuestros oficiales que resydis en la ysla española : vi vuestra letra. . . .

la Relacion de lo que ha procedido de la ysla de Jamayca, y lo que al presente ay en ella nuestro, vy y quando aca se hizo el asyento que alla vistes, con francisco de garay, sobre las cosas de aquella ysla, no se sabya áca que oviese ally tanta cosa como agora parece, pero pues ya el asyento se hyzo con el por my mandado lo que convyene es que alla ayudeys y favorezcays todo lo que fuere menester, para que de aquella ysla se

<sup>1</sup> Arch. de Ind. 139, 1, 6, viii, fo. 304<sup>r</sup>, 'cédula' dated 20 July 1520, granting salt free to householders and hospitals of Jamaica.

<sup>2</sup> This document is not dated, but the one preceding it is dated 8 May 1513, and the one following 15 May 1513.

lleven a castilla del oro todos los mantenimientos que puedan aprovechar para la dicha castilla del oro, porque para este efecto principalmente se hizo el dicho asyento; y asy deveys vosotros solicitar y dar priesa desde ay con vuestras cartas al dicho francisco de garay, y macuelo nuestro thesorero de aquella yslla, para que asy lo hagan, y para ello dalles todo el fauor e ayuda que pudieredes y supieredes, y avisarme eys de continuo de lo que en ello se haze . . . y desto que toca a la prouision de castilla del oro tened muy grand cuydado . . .

De leon a XXVIII de otubre de DXIII años.

yo el Rey.

Refrendada del secretario conchillos.

#### XIV

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 28 November 1514 Años 1512 a 1518, Est. 139, Caj. 1, Leg. 5, Tom. 5, fo. cxxv.

#### El Rey

francisco de garay, nuestro poblador de la yslla de Jamayca: los oficiales de la yslla española me ynbiaron la Relacion de lo que a procedido de aquella yslla para en prouecho de nuestra fazienda, y de lo que habreys hallado en ella quando a ella llegastes, y porque segund todo aquello el asyento que con vos se tomlo es harto mas aventajado que aca se pensaba, fuera razón de moderarlo luego; porque yo tengo por muy cierto lo que aca me dexistes del deseo que teneys de me seruir yo no quise moderarlo hasta primero ver vuestro parecer de la moderacion que se deva hazer para que aquy esto se haga como cumple a nuestro seruicio y no con el daño vuestro, syno que os contenteys con lo razonable, pues os mouisteis a ello por me seruir.

por otra carta<sup>1</sup> os scriuo a vos y a nuestro thesorero desa yslla, que ynbieys todos los mantenimientos y otras cosas que puedan aprouechar a los de castilla del oro; mucho vos encargo y mando que en aquello pongais toda la diligencia y recabdo posyble y anisadme de continuo de lo que en ello hizierdes y de las otras cosas que llevastes a cargo.

fecha en leon a veynte e ocho de nouyembre de quynientos y catorze años.

yo el Rey.

Refrendada del secretario conchillos.

#### XV

Simancas, Secular, Gobierno, Papeles pert. al buen gobierno de 21 April 1515 varias Islas de America, Años 1515 a 1594, Est. 2, Caj. 1, Leg. 1/27.

A su alteza.

2º

De pedro de maçuelo XXI de abril de DXV.<sup>2</sup>

dize que llego a aquella yslla a X de otubre del dicho año y que le parece que la tierra della es muy buena y sana y byen Respondida. templada y que no ay en ella oro, porque se ha puesto mucha diligencia en lo buscar y que se ponra mas; y que es tierra aparejada

<sup>1</sup> Arch. de Ind. 139, 1, 5, v, fo. 125v.

<sup>2</sup> A secretary's summary, presented for the king's decisions.

para mucho ganado y para labrança de yuca e ajës e mayz e aves, y que es ysla para que puedan byuir en ella seşenta vezinos que agora estan en ella en dos pueblos y que no se podrian en ella mantener mas vecinos y tanbyen porque no ay tantos yndios como pensavan ; que quando se ovieren Repartido a aquellos vecinos y a quien vuestra alteza manda que se den, avran arto que conplir.

dize que allo en aquella ysla dos estancias de vuestra alteza, que tenia que procure de cobrar y auise la ganancia como lo llevaron por ynstrucion. vnos vecinos della, de las cuales ha cargado hasta agora syete navios, los cinco para tierra firme y los dos para cuba,<sup>1</sup> de pan caçabi e puercos e mahiz ; los dos de cuba se dieron a fiado, porque diz que no avia ningund oro fundido ; que le escriuieron que despues de pascua se hazia la fundicion ; y que de los otros cinco por no ser venidos de tierra firme no puede screuir a vuestra alteza la ganancia que se puede aver.

dize que los dichos navios se cargaron en los meses de noviembre e diziembre del año pasado de DXIII, y en henero y hebrero que su alteza holgo. deste presente año, y que las dichas estancias se estan en pye, como sy no se vbiera sacado dellas nada.

que cree que se sacaran cada año de las dichas estancias . . . . . Castellanos, porque ay en ellas CCCLV montones de labrança de yuca e ajës e mayz, e muchos puercos, y que cada dia se multiplican, y que no tienen de costa mas de ocho xristianos, que andan en ellas, y que con cient castellanos de herramientas, y con menos, se probera cada año ; y que las camisas que vuestra alteza manda que se den a los yndios, no se han menester conprar, porque en las estancias se hazen y avn para vender artas ; y que las estancias son muy buenas, conplriendose a dos mill yndios, porque agora no los tienen ; y que dellas se podra probeer tierra firme e cuba con menos costa de la que ha dicho ; y que le parece que no deve tener en ellas vuestra alteza compañia alguna, porque se perdera la mitad de lo que dellas se sacare cada año a ojos vistas, y que no

sera bien, pudiendo estar las dichas estancias con la costa que ojo. ha dicho, que se meta mas costa ni se de la mitad a nadie ; que lo haze saber a vuestra alteza, porques asy verdad, para que mande lo que sea seruido ; y que todo lo que demas de como agora esta se hiziere, perdera vuestra alteza muchos dineros ; y que sy vbiese dos caravelas enplomadas se daria mucho Recado en bastecer a cuba y a tierra firme, porque no lo estando, bueluen muy pocos a cavsa de la broma.

dize que pidiendo las Rentas de vuestra alteza, pidio especialmente vnas casas y fortaleza que vuestra alteza ally tiene, a vn teniente por el almirante, para que estoviesen a buen Recabdo las Rentas, y que para las cobrar ovo de pedir fabor e ayuda a los alcaldes y Regidores ; y que como estan puestos por mano del dicho teniente del almirante, no quieren fazer con tanta diligencia como es Razon las cosas de vuestra alteza ; y que para cada cosa que ha de cobrar tiene de andar haziendo Requerimientos y apellidando gentes, y que todos tiran a la seta del almirante y que dizen que hasta agora no conocen otro Rey.

<sup>1</sup> Velazquez sent for these from Trinidad, where there was famine. See Wright, *Early History of Cuba*, p. 58.

dize que los oficiales que han sido vn año, nonbran los que han de ser otro y los llevan al dicho theniente ocho Regidores y quatro alcaldes, y el toma los que quiere para los dichos officios. dize que cumple al seruicio de vuestra alteza que los Regimientos sean perpetuos, y los officios de alcaldes elegidos por votos ; que lo mande proveer vuestra alteza.

dize que ha pedido a los vecinos de aquella ysla los diezmos, Rentas y derechos pertenecientes a vuestra alteza, despues que en ella estan, y que se escusan, diziendo que hasta agora han estado en guerras y han tenido arto en pacificarla, y que deben gozar de la liuertad que gozo la española, y que agora escomiençan a medrar y hazer sus haziendas ; que mande vuestra alteza prober en ello.

que se ha ynformado de personas seruidores de vuestra alteza, especialmente de vn Diego Ramirez, que no han sido tantas las guerras ni trauajos como ellos dizen, *porque en cinco años* no mataron mas de quatro xrisptianos ; y quando a ella fueron hallaron mucho de comer ; dize que el dicho Diego Ramirez ha sydo, y es, muy buen seruidor de vuestra alteza ; suplica le haga merced de vn Regimiento de la villa de sevilla.

dize que los yndios han sido muy maltratados de los vecinos de aquella ysla, dandoles muchos palos y açones y quemandolos y faziendoles otros martirios, de manera que si asy los tratase de aqui adelante, no avria yndios para dos años sy no se castigasen ; y que por ello allo presos ciertos xrisptianos, a los quales no se les dio otra pena ni castigo syno que a lo mas le hecharon pena de seys castellanos, y que viendo esto ser en tanto deseruicio de dios y de vuestra alteza, y como garay no llegava, que por virtud de su provision para el buen tratamiento de los dichos yndios acuerdo de ynibir al lugar teniente del Almirante y puso dos visitadores, para que sean tratados como vuestra alteza lo manda de aqui adelante y se castigaran los que lo contrario hizieren.

que hizo bien en proveer esto. que a los oficiales que viere maltratar a los yndios los castiguen e si no se enmendaren fagan procesarlos. que en el Repartimiento se daran yndios a cada vno, segund su persona y como oviere seruido ; y haze saber a vuestra alteza que ay algunos que tienen mas yndios que vuestra alteza, que son el almirante y su teniente, que tienen cada MDC., mas no para que tenga tanta cantidad.

que en el Repartimiento se daran yndios a cada vno, segund su persona y como oviere seruido ; y haze saber a vuestra alteza que ay algunos que tienen mas yndios que vuestra alteza, que son el almirante y su teniente, que tienen cada MDC., mas no para que tenga tanta cantidad.

dize que en aquella ysla ay ciertos vecinos casados aca y estan alla amancebados ; suplica mande que se vengan, y sy alla quisieren estar, lleven sus mugeres.

torna a dezir que sera bien que aya dos caravelas emplomadas para el probeymiento de tierra firme ; que mande a los oficiales de sevilla que se las embie.

<sup>1</sup> Illegible. These marginal notes are much abbreviated and hastily scrawled.

dize que no ha hallado quien aya tenido cargo de fazienda de vuestra alteza para le tomar cuenta, y que vn salvador de la Renteria que traxo ally vna nao de vuestra alteza que pasamonte le dio para que pasase a cuba de bastimentos, y queste a los oficiales que paso cierto pan de las estancias de aquella yslla a cuba, se lo enbien. lo qual dio todo fiado, y que yendo a la española fallecio, y dexo alla el libro de la cuenta dello ; que ha escrito a pasamonte se lo envye, para que se vea lo que llevo y lo que se deve ; que visto lo hara saber a vuestra alteza.  
dada.

## XVI

*Ibid.*

12 June 1515

por otra suya de XII de junio de DXV.<sup>1</sup>  
dize, como a Riba, de su llegada y que las dos caravelas que llevaron tornaron luego a la española por ganado, entre tanto que se Respondida. les hazia carga de las estancias para llevar a castilla del oro. que envyo tres navyos cargados de lo que avya en las estancias, a castilla del oro ; y que lo que llevaron y lo que dello se hizo, vera vuestra alteza por vn memorial que envya, firmado de diego marque, vease.<sup>2</sup>

y que luego que llegaron las dichas dos caravelas con el dicho ganado las enbyo cargadas de lo que los otros navyos, de que asy mesmo enbya Relacion, vease.

dize que terna mucho cuydado del proveymiento de tierra firme.

dize que enbio otra Relacion de cierto pan que ha enbyado a la yslla de cuva, en navyos a flete, y que el Retorno no lo ha avido, porque se dio a fiado, porque no avya oro hasta la fundicion ; que hara saver a vuestra alteza lo que sucediere ; dize que los oficiales de tierra firme y de cuba no quieren acudir con lo que les enbian, y que dizen aquellos lo enbiaran a vuestra alteza ; dize que les ha enbiado vn capitulo de su ynstrucion ; suplica mande sobrello lo que sea seruido ; en lo demas se Remite a la carta quel y garay scriuen a vuestra alteza.

dada.

(Endorsed :) Relacion de las cartas escritas a su alteza de pedro de maçuelo de XXI de abril y XII de junio de DXV.

## XVII

Simancas, Sec. Gobierno, Papeles pert. al buen gobierno de var. 11 June 1515  
Islas de Amer., Años 1515 a 1594, Est. 1, Caj. 1, Leg. 1/27.

A su alteza.

I<sup>o</sup>

don francisco de garay XI de junio de DXV.<sup>3</sup>  
dize que Respondio a vuestra alteza sobre lo de su partido aventajado Respondida. que no sabya lo que avya en aquella yslla ; pero que en llegando a ella enbyaria la Relacion de lo que oviese, para que mandase en ello lo que conuenia a su seruicio.

<sup>1</sup> A secretary's summary of another letter.

<sup>2</sup> Secretary's reminder, presumably to himself.

<sup>3</sup> A secretary's summary, prepared for the king's consideration.

que se vera ojo. para seulla. que luego a jamayca al puerto de seulla a XV del mes de mayo pasado, y se le entregaron las haciendas de vuestra alteza que envya por vn memorial firmado del p de maçuelo y del escriuano mayor de minas, vease.

y que por el memorial vera vuestra alteza que la Relacion que hasta agora le han hecho no es verdad, y ques mucho menos cantidad de lo que se dezia, y quel caçabi y la carne vale mucho mas barato de lo que se apreciaba, y que mirado el ganado que alla paso y lo que le ha costado y cuesta pasar, sy los que en esto han hablado lo ovieran de pagar, no se les hiziera la ganancia tan crecida como fizieron Relacion a vuestra alteza ; que vuestra alteza haga lo que sea su seruicio.

que del ganado que alla llevo dentro del tiempo que hera obligado, quedo dello alla byno XLV vacas y dos toros, de las ovejas CXXL cabeças, con LXXV que quedaron de las que llevo, y que, como a vuestra alteza scriuio, se pasaran agora A conplimiento de cient vacas y algunas bestias y buys domados para las haziendas en este navyo que buelue por ello ; y que segund lo que cuesta y alla vale, es buena hazienda ; y que enbyo otras CCC pieças de herramientas para las haziendas, de las quales no se ha aprovechado porque no saben labrar con ellas hasta que les enseñen

carta de su . . .  
y del secretario para  
queste conforme con  
el y maçuelo.

como lo hagan ; suplica a vuestra alteza que del tenga la confiança que de bueno y leal seruidor se deve tener, y pues vuestra alteza le mando pasar a poblar aquella tierra que mande que se le haga la honrra que merece ; y que allo tantas novedades en aquella ysla que le es forçado servir a vuestra alteza, y aver paciencia ahunque le diesen de palos ; que mande vuestra alteza remediarlo y que cada vno entienda en su oficio ; que se puede ynformar vuestra alteza desto sy dize verdad, y que sy no la dize, que le mande castigar.

dize que como pedro de maçuelo llevo a aquella ysla seys meses antes quel, a causa de no aver navio en que fuese, espero algunos dias hasta ver sy llegava como avya dicho, y como paso el termino que le parecio quel no yria, y que por la provision que llevaba juntamente con el ynivyo las justicias, y començo a entender en todo muy asolutamente, y tomar para sy con que hizo hazienda ; y le siruieron cerca de quinientas personas ; y que tratava de tal manera a la gente, que sy mucho estouiera antes quel llegara se fueran todos.

dize que como se hallo que lo podia mandar todo, que Requirio al teniente que le entregase vna casa que ally ay, que tiene nombre de fortaleza, con otras dos casas de aposento que juan desquivel avya hecho, las quales han tenido los tenientes que governavan aquella ysla ; y quel dicho teniente, vyendose tan affigido de sus Requerimientos, entrego la dicha casa a los alcaldes que la guardasen.

y que como llevo a quella ysla con su muger y cassa, no sabyendo cosa de las pasadas, se fue derecho a quella casa, y quel maçuelo le dixo quel tenia aquella fortaleza, que se la avian dado los alcaldes, y que visto el cargo que de vuestra alteza levó y como todos los tenientes que avyan sido avian tenido aquella casa, le parecia que hera Razon que la toviere el, y que le prometio de se la dar dende a pocos dias, y en el entre tanto se paso a vna casa de vn vezino ;

ver el asiento.

y que hablando despues sobrello con el dicho maçuelo, le dixo que no le queria dar la dicha fortaleza, y que se le desmesuro muy mal ; sobre lo qual dize muchas quexas, y como es hombre muy mudable.

dize que desea que todo lo de aquella ysla vuestra alteza lo confie del, para ver sy lo hara vyen, pues tyene tanta esperiencia, y que hecho el Repartimiento sy vuestra alteza manda que entienda en ello como se lo tiene mandado, suplica mande que lo haga y no que diga el thesorero no podeys poblar ni entender en cosa sy no quiero yo ; y que segund maçuelo es mudable y se cree de ligero y de poca esperiencia, que sy se aguarda a su parecer, nunca se hara nada ; y que si algo se ha de hazer, antes que se comience, da parte dello a todos, y que, como le conocen, syguen su apetito, algunos porque les promete muy buenos yndios y a otros dize que no dara ningunos ; y que pues el llevo a aquella ysla toda manera de oficiales a su costa, para ser ally vecinos y poblar aquella tierra, sy

que enbie Relacion vuestra alteza es seruido que se haga fortaleza dara  
 . . . (?) se hara y que horden como cueste poca cosa ; suplica por la  
 costara. tenencia syn salario, sy vuestra alteza no se lo  
 quisiere dar, porque sepan todos que vuestra alteza fia mas del de lo  
 que alla han publicado, porque se ha dicho que no avya de yr alla, y que  
 avya engañado a vuestra alteza.

que pedro de maçuelo cargo en navyos que vinieron de tierra firme y en las dos caravelas quel llevo de seulla, las haziendas quel allo ally de vuestra alteza, que enbya por Relacion ; que cre que hizo todo lo que pudo, pero que como no tiene espiriencia, ha sydo muy poco el probecho, a cavsa de yr dañado y perdido muchas cosas. que de lo que hiziere de aqui adelante quel dara quenta con pago ; y que en el primer viaje se dañaron las caravelas y han menester echalles el plan de nuevo.

dize quel no ha tomado nada de lo que maçuelo ha sacado de las haziendas de vuestra alteza hasta quel llevo, hasta saber la voluntad de vuestra alteza, ques lo que manda que en todo se haga ; suplica enbien a mandar de lo que tiene de gozar, por quel ha gastado hasta agora buena cantidad de dineros syn aver avido vn Real de probecho.

dize que todas las cosas en tierra firme y en cuba con la priesa que  
 Vien. han dado de todas partes a proberlos, han venido los precios  
 muy vajos y algunas tan varato como en jamayca ; dize que  
 por falta de bastimentos no se dexara de poblar tierra firme y que a trueco desclaunos, que avra muchos, entiende ser pagado de lo que se llevara de vuestra alteza, y que los terna ally fasta parar los buenos, y enbyarlos ha a santo domingo ; y que desta manera se hara buena la moneda aunque no traxese oro.

que las vacas y ovejas paren byen y presto, y que plaziendo a dios  
 que procure la avra buena cantidad con las que llevara, porques la  
 granjeria bien. tierra buena ; y que acabado el Repartimiento, se hara  
 en todas las haziendas lo necesario, y que, como parecera  
 por la Relacion, Ay pocas y nuevas y no buenas, y en vna de las dos se ha perdido buena cantidad de montones, por no se aver bien Regido ni preservado.

dize que segund la cantidad de yndios que se dezia que avia en aquella ysla, a lo que han podido saver por la visitacion de los vecinos, no llega



a lo que se pensava ; y porque aquella tierra se pueble de personas que en ella permanezcan e ay en ella de los primeros que a la dicha ysla vinieron, casados en castilla y otros solteros, que sy a estos se les diese yndios que los travajarian mucho por boluerse los casados a ver a sus mugeres con lo que pudiesen, que les ha dicho que vuestra alteza ha parecido bien y enbien el Repartimiento. que manda dar yndios a los que ayudaron a ganar aquella tierra conforme a los que ovieren, y a la calidad de sus personas, pero con condicion que los casados traygan sus mugeres, y los solteros se vayan a casar y las lleven alla, o se casen en la dicha ysla ; y que sy asy no lo hizieren, que todo lo que ovieren granjeado quede para vuestra alteza, y que asy piensa que lo haran y la dicha ysla se poblara ; suplica que si esto estouiere asy hecho, lo confirme por su cedula ; y sy no, que se haga, pues es seruicio de vuestra alteza.

suplica que aquella ysla goze de las franquezas y libertades que la española, y que no se trayga seda syno conforme fiat la prematica.<sup>1</sup> a la española ; y que no se venda ni comprar ni vender fiado.<sup>2</sup> que ni esto no es fiado ; y que por aver poco que esta ally, y no Razon que goze que ni esto no es estuuiere hecho el Repartimiento, no ha de que aquella ysla de . . . (?) mas fazer saber a vuestra alteza ; y que hecho el española pero que se dicho Repartimiento, andara toda la ysla para ver limitara. la tierra y el asyento del pueblo de la otra vanda, ojo. y fara saver a vuestra alteza todo lo que sucediere ; para lo que pagaran los vecinos a Repartimiento. suplica mande al secretario que se despache brevemente lo suso dicho, porque algunas cosas no sufran dilacion.

## XVIII

*Ibid.*

12 June 1515

A su alteza.

de francisco de garay e pedro de maçuelo de XII de junio de DXV.<sup>3</sup>  
 Respondida. que enbian por Relacion a vuestra alteza las haciendas que se entregaron a garay, firmado de sus nombres.  
 dizen que para hazer el Repartimiento de los yndios, ynbiaron los que lo hagan. yndios questauan syruiendo en las estancias de los españoles a sus estancias, y que enbiaron las personas de bien que les parecieron a visytar la ysla y traer Relacion de toda la gente, por sus nombres, y viesen sy heran todos xristianos y que haciendas tienen, y que ellos hacen otra visitacion de los vecinos de aquella ysla, para saber quien son y quien ha tratado bien los yndios, y que haciendas tiene para los mantener, y de que tanta gente se han seruido, y que naborias (*sic*) de casa tienen, para ver si esta visitacion conforma con la que los otros visitadores hazen ; y que sabido el numero de los yndios, haran el Repartimiento y enbiaran a vuestra alteza la Relacion de todo.

ydem. que en lo de la poblacion de los dos pueblos se hara como vuestra alteza manda.

<sup>1</sup> The ' cédula ' issued in obedience to this decree is dated 22 July 1515, Arch. de Ind. 139, 1, 5, v, fo. 211<sup>v</sup>.

<sup>2</sup> Arch. de Ind. 139, 1, 5, v, fo. 208<sup>v</sup>.

<sup>3</sup> A secretary's summary.

dize que las caravelas de vuestra alteza despues que fueron a castilla del oro la vna dellas vyno a XL dias y porque no estouiesse perdiendo se la cargaron de caçabi e puercos para enbiar a cuba, que supieron que avya necesidad; que se partiria luego y que llegaria a la punta de la ysla española a cargar de yeguas, porque gane algund flete; y questo viaje se haze en XX dias; y que se ha menester adobar para enbiarla a castilla del oro, que vino de alla brumada; es aquel puerto muy dañoso.

que la caravela que fue en compañía de la otra, ha quatro meses que partio y que supieron que vyno sobre aquel puerto, e no lo conocio porque hazia mucha agua; y que enbyaron vn piloto que sabe la tierra, para que la truxiese, y no han sabido della; que cren que con las muchas brisas que haze, no puede navegar; que en llegando la adereçaran, porque esta dañada de bruma; y que la otra que enbyan agora cargada, en viniendo se adereçara, y que se enbyara cargada a castilla del oro, de puercos e carnes e de algund caçabi; ahunque desto, scriuen de alla, que ay poca necesidad, porque ay mucha harina; y que despues de adobada la otra caravela, se enbyara a castilla del oro con lo que de alla escriben que ay mas necesidad; porque la vna yda y la otra venida, probean de contino.

bien. quel gouernador y oficiales han escrito que es mejor asy que no yr juntas, y que se probera de contino aquella tierra, ahunque asta agora se ayan perdido alla mucho de las cosas de aquella ysla. que de aqui Advierte abra buena diligencia y Recabdo, y que ya esta la jente hecha a la tierra y sana, y tERNAN con que pagar lo que alla se llevare; y que porque alla ay tres caravelas emplomadas, cren que verna alguna dellas a cargar en tanto que las otras se adoban; venida luego la despacharan con todo lo que pidiere.

que hecho el Repartimiento se enbiaran mineros con muy muy <sup>1</sup> Recado para saber sy ay oro en aquella ysla, como vuestra alteza lo manda.

dada, etc.

(Endorsed :) Jamayca—A su alteza.

Relacion de las cartas de francisco de garay y de maçuelo de XII de junio de DXV.

## XIX

Simancas, Secular, Gobierno, Papeles pert. al buen gobierno 21 February 1522 de var. Islas de Amer., Años 1515-1594, Est. 2, Caj. 1, Leg. 1/27.

A todos los señores que la presente vieren, que nuestro señor prospere guarde de mal; yo, Juan de torquemada, escriuano publico en esta villa de seuilla, desta ysla de santiago <sup>2</sup> del mar oceano, doy fee e fago verdadera Relacion como en vna cuenta que paresce que dieron el señor capitán francisco de garay, teniente de gouernador en esta ysla por el señor almirante, e pedro de maçuelo, thesorero de su magestad della, de lo que valian las haciendas de su alteza en esta ysla, a los veinte y tres de henero de mill

<sup>1</sup> The second 'muy' has taken the place of some other word.

<sup>2</sup> Arch. de Ind. 139, 1, 5, v, fo. 165v, 'cédula', dated 28 February 1515, informing Velazquez that Jamaica has been named Santiago, 'because the admiral (Columbus) gave it this name at the time he was in the said island'.

e quinientos e diez e seys años, quel catolico Rey de gloriosa memoria fallecio, la qual dicha cuenta e Relacion parece que dieron a gonzalo de salmeron, por virtud de vna cedula <sup>1</sup> de la Reyna, doña juana, e del Rey, don carlos, su hijo, nuestros señores, ante alonso de paredes, escriuano publico que fue desta dicha villa, segun en ella parece firmada de su nombre, en seys pliegos de papel horadados, que en la cuenta quel dicho señor Capitan dio estan apreciadas ciertas haciendas de conucos <sup>2</sup> e puercos e otras cosas, que su alteza tenia en esta dicha ysla al tiempo que al dicho señor capitan fueron entregadas, en veynte e seys de mayo de mill e quinientos e quinze años, las quales fueron avaliadas e tasadas por diego de camargo e gonzalo perez, visitadores, e diego Rodriguez e Rodrigo alonso, alcaldes, con juramento que dellos publicamente fue tomado, segun dello da fee el dicho alonso de paredes, escriuano; e asy mismo fue tasado por los suso dichos ciertos ganados de vacas e ovejas, quel dicho señor capitan traxo a esta ysla al tiempo que a ella vino, y antes enbio, el thenor de los quales dichos apreciaron cada vna cosa dellos, segun esta asentado en la dicha cuenta, en quatro capitulos della, son los siguientes.

parece que fue entregado al dicho señor Capitan, en la fazienda de su alteza de melilla, en veynte e seys de mayo de mill e quinientos e quinze años sesenta e tres mil e cinquenta montones de labrança, los cinquenta e vn mill de yuca, en que avia los diez e seys mill de conusco e los treynta e cinco mill nueve de tres e quatro meses, fasta seys; e doze mill e cinquenta montones de ajas nuevos, que son todos los dichos sesenta e tres mill e cinquenta montones, que valieron, segun la tasa e juramento de los dichos alcaldes e visitadores, al tiempo que se entrego al dicho señor capitan, trezientos pesos en oro; e los puercos que en la dicha estancia estavan y en otras a ella anexas, quatrocientos pesos; e las baratijas de casa con los buhios,<sup>3</sup> cinquenta pesos, que monta todo segund dicho es sietecientos e cinquenta pesos de oro . . . . . DCCL pesos.

yten: parece que fue entregado al dicho señor capitan francisco de garay, en la fazienda de su alteza de la pimienta, sesenta e ocho mill e trezientos e quarenta e quatro montones de yuca e ajas, de todas hedades que se entiende dello de comer e de seys meses fasta ocho e dos meses e de tres; fue tasado por los dichos tasadores en trezientos e diez pesos; e quatrocientas e sesenta cabeças de puercos de año e menores e lechones chicos que de todas hedades, dozientos e veynte e cinco pesos; e los buhios e baratijas de casa ciento e cinco pesos, que monta todo seyscientos e quarenta pesos de oro. . . . . DCXL pesos.

yten: parece por otro capitulo que esta en la dicha cuenta, que fueron avaliadas setenta e ocho cabeças de vacas mayores syn tres toros, quel dicho señor capitan traxo a esta ysla al tiempo que a ella vino de santo domingo, y enbio antes quel biniese, para meter en la dicha compañía, a veynte e dos pesos de oro cada cabeça, que montan mill e sietecientos e diez e seis pesos de oro, las quales fueron avaliadas por los dichos alcaldes e visytadores . . . . . MDCCXVI pes.

yten: parece por otro capitulo de la dicha cuenta que fueron avaliadas por los dichos alcaldes e visytadores, dozientas e cinquenta e cinco ovejas,

<sup>1</sup> *Ibid.* vi, fo. 13<sup>v</sup>, dated 14 August 1516.

<sup>2</sup> Farms, worked by natives.

<sup>3</sup> Native huts.

quel dicho señor capitan traxo para la dicha compañía al dicho tiempo que vino a esta ysla e enbio antes que a ella viniese, a tres pesos de oro cada cabeça, syn los carneros que con las dichas ovejas traxo e enbyo para padres. que montan sietecientos e sesenta e cinco pesos de oro.

DCCLXV pesos.

Fecho e sacado fue este traslado de los dichos capitulos e apreciores originales, en veynte e vn dias del mes de hebrero año del nascimiento de nuestro saluador yhesuxrispto de mill e quinientos e veynte e dos años; testigos que fueron presentes a ver leer e concertar los dichos apreciores horeginales de las dichas faziendas e ganados con los dichos capitulos originales con este dicho traslado: Xrispoual de castro e pero herrnandez herador, vecinos desta villa, e diego herrnandes, estante en ella.

en fee de lo qual di la presente firmada de mi nombre e sygnada con mi signo a tal en testimonio de verdad. (Notarial seal.)

Juan de torquemada escriuano publico.

(Endorsed :) Avaliacion de las hasyendas de jamayca.

## XX

Indif. Gen., Reg., Lib. gen. de Real. ord., nombram., grac., etc., 29 August 1519  
Años 1518 a 1526, Est. 139, Caj. 1, Leg. 6, Tom. 8, fo. 123<sup>v</sup>.

### El Rey

francisco de garay, nuestro capitan, Allid,<sup>1</sup> repartidor de la isla de sanctiago: vi vuestra letra de veinte e siete de agosto de DXVIII años, que truxo iohan lopes de torralua, nuestro contador desa isla, e la relacion que de las cosas desa isla me enbiastes, lo qual vos agradezco, e tengo en seruicio que en todo mostrays la voluntad e obra que soi informado que siempre tobistes al servicio del catolico rey, mi señor, e asi vos mando lo continueys, especialmente en la poblacion desa isla, conversion e buen tratamiento de los indios della, que es mi principal desseo e intencion, teniendo por cierto que siempre terne memoria de vuestra persona e servicios para vos mandar fauorescer e hazer la merced que ellos merescan.

mui bien me ha parescido la provision e socorro que dezis que aveis hecho desa isla a los que an residido e residen en la villa de Arla, en tierra firme, e a los del darien, de pan e mantenimientos, e vos lo tengo en servicio e vos mando que siempre tengais especial cuydado de enbiar los mas mantenimientos que pudierdes a la dicha tierra firme, a las partes e lugares que vierdes que son mas nescesarios, por manera que no esten en nescesidad, por la horden que vos esta dada.

asymismo me ha parecido mui bien e vos tengo en servicio el cuydado que aveis tenido en que los caciques e indios desa isla fuesen industriados e dotrinados en las cosas de nuestra sancta fee Catolica, e quitados e apartados de los rricos e malas costumbres e pecados, en que dezis que bibian e estauan, e de aver fecho aprender a leer e escribir sus hijos los caciques, e las otras cosas de nuestra fee, e porque, como digo el principal desseo e intencion e cuidado de la Catolica Reina mi señora e mio, es que los caciques e indios desas partes sean dotrinados e industriados en nuestra sancta fee Catolica, para que se salben e sean muy bien tractados e mantenidos

<sup>1</sup> This title is unusual.

e biban e multipliquen mucho, vos mando e encargo que dello tengais especial cargo e cuidado e de proveer que se guarden las hordenancas que agora nuevamente sobre ello avemos mandado fazer, certificando vos que en ninguna cosa me podeis tanto servir como en esto, e allende del deservicio que yo rrescribira en que otra cosa se hiciese, yra sobre vuestra conciencia lo que en este caso faltasedes de hazer, e qualquier descuydo que en ello toviesedes, e sobre ello vos encargo la conciencia e sienpre tened cuidado de me avisar de como lo provees e del fruto que en ello se haze.<sup>1</sup>

el pueblo de la villa de seuylla que dezis que mudastes del asyento donde estaba a donde agora, esta me parece muy bien, por todas las causas que en vuestra carta dezis, e asy mismo la determinacion que teniades, de mudar el otro pueblo de oristan adonde los vecinos de los demandavan, me ha parecido bien, pues como dezis, es darles contentamiento, e la provision que hizistes que estobiesén fechas labranças e mantenyimiento para quando el pueblo se oviese de mudar, fue mui buena e como de persona espirimentada; asi tened cuydado que todo lo que se oviere de hacer sea con acuerdo e mirandolo primero, porque no se pueda forçar.

mucho he holgado de lo que dezis que aveis hecho que todos los vecinos desa isla se casasen, e que diez o doze que estauan por casar procurarian que hiziesen lo mesmo, e del ayuda que para ello, e para que hagan casas de piedra, les aveis fecho e hazeis en todo lo que se les ofrescen, lo qual vos tengo en servicio, e asi vos encargo lo hagais, que yo he por bien que se les de de la compañía las mill cargas de cacabi que dezis que les queriades dar, para ayuda de los gastos de las minas de pormedio (*sic*); e pues, como dezis, a nuestro señor ha plazido de dar demostracion de minas de oro en esa isla, por servicio mio que vos trabajéis que se descubra, como lo hazeis, teniendo siempre cuidado que por esto los yndios no rrescriban ningund mal tratamiento, sino lo que ovieren en ellas de trabajar sea con mucha moderacion e como agora se haze lo de las grangerias, conforme a las hordenancas e nuestro . . .

en lo de la fortaleza que aveis hecho hazer en essa villa de seuylla, vos tengo en seruicio el cuydado que aveis tenydo dello, pues hera nescessaria; yo creo que ella es tan buena como dezis, e asi os he hecho merced de la thenencia della, como vereys por la provision que con la presente va, con la qual asy mismo va la confirmacion de vuestros oficios e cargos que en esa yslandia teneys; e las otras cosas que me enbiastes a suplicar, porque quando vino vuestra carta estaba todo proueydo, no ovo lugar.

las cosas que en nombre de esa yslandia me enbiastes a suplicar mandare ver e proveer lo mejor que aya lugar, que por cierto yo tengo voluntad a su poblacion e noblescimiento; e asy mandare que sus cosas sean favorecidas e los vecinos della resciban toda la merced que aya lugar.

de barcelona a veinte e nueve de agosto de mill e quynientos e diez e nueve años.

yo el rrey.

Refrendada del secretario cobos e señalada de los obispos de burgos e de badajoz e de don garcia e çapata.

<sup>1</sup> Compare this with the marginal 'Vien' which, in no. xvii above, approves of the slave-trading business conducted for the king's profit.

*The Authorship of Townshend's 'Historical Collections'*

LITTLE is known of Hayward Townshend. He was a member of parliament for Bishop's Castle, Shropshire, in 1597 and 1601; and he had died by the year 1623.<sup>1</sup> In 1680 there appeared what ostensibly was a posthumous work of his, entitled *Historical Collections: or An exact Account of the Proceedings of the Four last Parliaments of Q. Elizabeth . . . Faithfully and Laboriously Collected, By Heywood Townshend Esq; a Member in those Parliaments . . .*; and this was reprinted in 1682, along with Sir William Monson's description of the wars with Spain, under the title of *Megalopsychy*. From the *Historical Collections* proceeds Townshend's fame and his place in the *Dictionary of National Biography*. That the authorship of the book is, however, fictitious, in part at least, one first suspects because of two editorial insertions, the one a passage in the preface, where amongst the journals which the volume contains, particular praise is claimed for 'the very last . . ., collected by M<sup>r</sup> Townshend a worthy Member in that Session',<sup>2</sup> and the other a sub-heading restricted to this last journal, 'Collected by M<sup>r</sup> Heyward Townshend, one of the Members of the said House'.<sup>3</sup>

When the work is analysed, its extraordinary resemblance to D'Ewes' *Journals* makes confirmation of the suspicion possible. Of the eight journals which the *Historical Collections* contain, all but two, the lords' journal of 1597/8 and the commons' journal of 1601, are akin to the journals in D'Ewes' collection. In the first place they follow the practice which he adopted of grouping together the readings of two or more bills, only one or two of which are named, as in the case of an entry on 13 December 1597, which reads, 'six Bills had each of them one reading; of which the last being the Bill for the true making of Daggers, . . . was read the second time. . .'.<sup>4</sup> Identical grouping is found in both works, in the number and in the titles of bills entered; and as the author of *Historical Collections* abandoned the convention in the two exceptional journals of 1597/8 and 1601, it is evident that he copied and did not invent it. It is, in fact, one of several devices distinctive of D'Ewes, and I have examined all the sources of his *Journals* without finding it elsewhere. This, however, is only one point of resemblance. It would be possible to cite, from each of the six journals, passages that are editorial redactions or comments, and yet are common to both compilations. Thus an introductory paragraph to D'Ewes'

<sup>1</sup> *Dict. of Nat. Biogr.* lvii. 127; *The Visitation of Shropshire . . . in . . . 1623* (Harleian Soc.), 465; Wood, *Athenae Oxon.* i. 724.

<sup>2</sup> *Historical Collections*, preface.

<sup>3</sup> *Ibid.* p. 173.

<sup>4</sup> D'Ewes' *Journals*, p. 572b; *Historical Collections*, p. 115.

lords' journal of 1588/9 is repeated practically word for word by the second author, except for the exclusion of a brief passage.<sup>1</sup> Then on 10 February both insert the same long editorial note on the appointment of attendants of the upper house as joint committees for a bill; and both return to the discussion on 25 February in a comment all but identical.<sup>2</sup> In the commons' journal of that session a report is given by D'Ewes of the Speaker's presentation on 6 February; and this, with some few omissions, finds a place in the *Historical Collections*.<sup>3</sup> Its provenance is interesting. The official commons' journal that D'Ewes used contained no such passage: a few words and a blank page indicated where it might have been.<sup>4</sup> Nor is it the meagre report that is found in the official lords' journal.<sup>5</sup> It is an epitome of the account which D'Ewes had characteristically manufactured for his own lords' journal, by elaborating the official entry with the help of precedents and his imagination.<sup>6</sup> I need refer to only one other of the many passages that might be quoted.<sup>7</sup> In his commons' journal for 1592/3 D'Ewes includes a note on the Fitzherbert election case, in which he recapitulates the facts of the case and ends by stating that it 'received now at last the Judgment of the House, which is inserted out of the aforesaid Anonymous Journal in manner and form following'; whereupon he enters the judgement. The note and recapitulation appear in the *Historical Collections*, and so does the concluding statement, except that it terminates with the word 'Journal'. But the judgement is omitted!<sup>8</sup> Nor, after this, will surprise be aroused by a reference earlier in the same note to 'the often-before-cited Anonymous-Journal', which has not once before been named in that work.<sup>9</sup> It is thus obvious that the close relation between D'Ewes' *Journals* and the *Historical Collections* is not due to derivation of the former from the latter. Nor will the hypothesis of a third compilation, common as a source to both, bear examination, if only for the reason that D'Ewes carefully refers to his sources, all of which can be traced, and none of which upholds such a theory.

<sup>1</sup> D'Ewes' *Journals*, p. 419 a; *Historical Collections*, p. 1.

<sup>2</sup> D'Ewes' *Journals*, pp. 422 b, 423 b; *Historical Collections*, pp. 5-6, 7-8.

<sup>3</sup> D'Ewes' *Journals*, p. 429 a; *Historical Collections*, p. 15.

<sup>4</sup> D'Ewes' *Journals*, p. 429 a.

<sup>5</sup> *Lords' Journals*, ii. 147.

<sup>6</sup> The source of his lords' journal account is confessed by D'Ewes in a note in the manuscript original of his *Journals* (Harleian MS. 74, fo. 291 b); but is omitted from the note as edited for the printed *Journals* (p. 421 b).

<sup>7</sup> See, however, for the lords' journal of 1592/3, D'Ewes' *Journals*, pp. 467 a-b; *Historical Collections*, pp. 49-50. For the commons' journal of 1597/8, the first entry on 11 January, D'Ewes' *Journals*, p. 577 b; *Historical Collections*, p. 118. For the lords' journal of 1601, the note on 8 December, D'Ewes' *Journals*, p. 610 b; *Historical Collections*, p. 138. In the same journal compare also the account of the closing ceremonies, especially its reference to Townshend's journal. D'Ewes' *Journals*, pp. 618-19; *Historical Collections*, pp. 149-50. Harleian MS. 75, fo. 190 a.

<sup>8</sup> D'Ewes' *Journals*, pp. 518 a-b; *Historical Collections*, p. 77

<sup>9</sup> *Ibid.*

Six of the eight journals in the *Historical Collections* are, then, largely abridgements from D'Ewes; largely, but not entirely. The author had other sources by him to which he referred, a reference so occasional, however, as to be capricious. Thus in 1592/3 it is evident that from 19 February to 5 March the commons' journal is derived directly from the anonymous member's journal, of which D'Ewes, too, had made use;<sup>1</sup> but on 6 March and thereafter, for no apparent reason, the text becomes again an epitome of D'Ewes. So also in the lords' journal of 1588/9, on 8 February D'Ewes' text was arbitrarily abandoned, supplying only six words as it seems,<sup>2</sup> the rest of the day's entries being drawn most probably from a manuscript abridgement of the official lords' journals made by Robert Bowyer.<sup>3</sup> Hence where D'Ewes groups the two bills read on this day, naming one only, both are entered separately in the *Historical Collections*. We may now turn to the two journals which have so far been excepted from our analysis, the lords' journal of 1597/8, and the commons' journal of 1601. In both the parliaments of which Townshend was a member, he kept a diary of the commons' proceedings. The later diary is of considerable value, and is that which serves as the commons' journal of 1601 in the *Historical Collections*.<sup>4</sup> It is printed in full there, with only a few omissions and those perhaps unintentional, and so is justified of its special subheading to which I have already referred. Townshend's diary of the 1597/8 parliament is less elaborate than his later one,<sup>5</sup> and appears in the *Historical Collections* only through the medium of D'Ewes' *Journals* where inadequate use was made of it. Strangely enough the manuscript copies of the diary appear to be usually conjoined with a composite lords' journal,<sup>6</sup> abridged probably from Bowyer's abridgement, with the addition of the lord keeper's opening speech, taken from a separate manuscript report. It is this lords' journal which constitutes the second of the exceptional journals in the *Historical Collections*. And so we may proceed to enumerate the sources of that compilation.

1. D'Ewes' Journals (the manuscript, and not the published version).<sup>7</sup>

<sup>1</sup> Cf. D'Ewes' *Journals*, p. 468 a.

<sup>2</sup> 'to which the Parliament was continued'. Cf. D'Ewes' *Journals*, p. 422 a.; *Historical Collections*, p. 5; Inner Temple, Petyt MS., no. 536, vol. vi, p. 252 (Bowyer's abridgement).

<sup>3</sup> Concerning this abridgement, see Miss Jeffries Davies, *ante*, xxviii. 531.

<sup>4</sup> There are a number of manuscript copies of the diary in the British Museum. Possibly the best text is Stowe MS. 362. D'Ewes made liberal use of the diary, but as this was not his sole source, his 1601 commons' journal differs from that in *Historical Collections*.

<sup>5</sup> The British Museum copies are, Cotton Titus F. ii, Stowe 362, Hargrave 278.

<sup>6</sup> This is also true in the case of a manuscript belonging to the earl of Winchilsea, which he kindly allowed me to examine.

<sup>7</sup> An important distinction, for there are deficiencies in the published journals.



2. An abridged and composite lords' journal for 1597/8.
3. Townshend's diary of the commons' proceedings in 1601.
4. The anonymous member's diary of the commons' proceedings in 1592/3.
5. Bowyer's abridgement of the official lords' journals.<sup>1</sup>

The authorship of the *Historical Collections* is now a simple problem on its negative side. D'Ewes' Journals were compiled in 1629-30,<sup>2</sup> at least six years after Townshend's death; proof enough that Townshend had no direct concern with the work that bears his name. Indeed, in the body of the first journal in the book, there is a reference—derived, of course, from D'Ewes—to ' . . . King James, and our present Sovereign his Son . . .',<sup>3</sup> which could not have been written by a man who died in 1623. I know, however, of no evidence which throws light on the author's real identity. Sir Roger Twysden borrowed D'Ewes' Journals in 1645 and compiled an abridgement from them,<sup>4</sup> but the principle of his selection was so very different from that followed in the *Historical Collections*, that his name need not be associated with the work. Then Paul Bowes, who published D'Ewes' Journals in 1682, was writing for the loan of the manuscript originals of the journals in September 1678,<sup>5</sup> that is, very shortly before the publication of the *Historical Collections*; and so it is possible, although I think it is improbable, that he was responsible for the book: he is said to have published D'Ewes' Journals in 1682 without permission of their owner, Sir Willoughby D'Ewes.<sup>6</sup> There is, however, so little real authorship in the *Historical Collections* that its secret is probably not worth penetrating. What does matter is that the sources of the book should be known, and especially its relation to D'Ewes' Journals. Owing to the lack of official commons' journals from 1584 to 1601, constitutional historians have been in an unusually large measure dependent upon these two unofficial compilations, so that the need of a critical review of their character may be regarded as fundamental to later Elizabethan parliamentary history. The present note enables us to concentrate textual criticism upon D'Ewes' volume, realizing that such a stupid blunder as his entry of the quashing of forty-eight bills by Queen Elizabeth in 1597/8<sup>7</sup> is not less likely to be a blunder because it appears also in *Historical Collections*.

J. E. NEALE.

<sup>1</sup> In all the manuscript copies that I have seen of the 1597/8 lords' journal (source no. 2, above), several days are missing (6, 7, 16, 20 December; 21, 23, 28 January; 8 February). Apparently they were missing also in the copy used by the author of *Historical Collections*, for consistently on each of these days he entered only a single bill. Evidently these entries were taken from Bowyer's abridgement.

<sup>2</sup> D'Ewes' *Autobiography*, i. 409, 436.

<sup>3</sup> *Historical Collections*, p. 5; D'Ewes' *Journals*, p. 422 b

<sup>4</sup> Stowe MS. 359, fo. 13.

<sup>5</sup> Harleian MS. 374, fo. 302.

<sup>6</sup> See Wanley's note in *Harleian Catalogue*, ii. 312, to MS. 1888.

<sup>7</sup> *Ante*, xxxiv. 586.

## *Reviews of Books*

*The Hittites.* By A. E. COWLEY, D.Litt. (The Schweich Lectures for 1918. London: published for the British Academy, 1920.)

IN the publication of the Schweich Lectures for 1918 Bodley's librarian gives the learned world a very adequate monograph on that remarkable ancient people, the Khatti of Anatolia and northern Syria, the rivals of Ramesside Egypt for the hegemony of western Asia, the sculptors of the remarkable monuments of Boghaz Keui and the hieroglyphs of Carchemish, and no doubt the 'Hittites' of the Bible. Now that we know that Hittites and Mitannians had penetrated into southern Palestine before 1400 B.C., and lived there cheek by jowl with the Canaanite natives, there need be no doubt as to this identification. The excavations of the British Museum at Carchemish, directed by Mr. D. G. Hogarth and now being carried on by Mr. Woolley, have lately again turned our attention to the monuments of the children of Heth, and the publication by Professor Hrozný, of Vienna university, of his remarkable studies of their language as revealed to us through a cuneiform medium in the tablets of Boghaz Keui presents us with an insistent problem in the question of their nationality. Dr. Cowley delivered his lectures before Dr. Hrozný had published the second series of his studies, in which he has carried still further his interpretation of cuneiform Hittite. And so perhaps Dr. Cowley was not able to do full justice to Dr. Hrozný's work; a note in the preface admits that the professor has since produced new arguments in favour of his views.

I myself shall not be accused of any partiality if I frankly confess to being very much impressed by the Austrian professor's results. I have always hitherto thought that the Hittites must be of non-Aryan blood and language, but whether akin to the alphylic inhabitants of the Caucasus on the one hand or to the Minoans on the other it would be hard to say. Their physiognomy, as we see it faithfully represented on the Egyptian monuments, was not like that of the Minoans. Yet the curious parallels between Hittites and Etruscans and the Italian rather than Greek traits in the Minoans pointed to an Italian connexion for both. And now Dr. Hrozný tells us that the Hittites not only spoke an Aryan language, but one that looks more like Latin than anything else; he says they said *kuikuit* for *quidquid*, for example. Now Dr. Hrozný is well known as a most capable and learned cuneiform scholar. His transliteration of the language of the Boghaz Keui tablets is open to no criticism or doubt whatever. And if the language he reads is Indo-

European and first cousin to Italic, then *causa finita est*: the Hittites were first cousins to the Italians. And in that case, what sort of language did the Etruscans really speak? Was it Aryan after all? Look at Larthi Atharnies, the noble lucumo who stands in relief on a slab from his tomb in the Florence Museum: is he not a Hittite, high boots, pigtail, and all? or at any rate first cousin of the warrior who guards in relief the gate of Boghaz Keui? And then the lituus and the skull-cap of the Hittite flamen of Yasili Kayà! If Dr. Hrozný is right, there are developments in store. We know that the neighbouring Mitanni was ruled at this time by an Aryan-speaking aristocracy, and that Aryan princes ruled in Palestine at this time side by side with Hittites. Indo-Europeans were 'in the air' at the time, as Dr. Cowley says (p. 45). But this difference appears to me to exist between the Indo-European (?) Hittites and the contemporary undoubted Aryan rulers of Mitanni and possibly the Kassites; that whereas, if Dr. Hrozný is right, the Hittites spoke a western Aryan language akin to Latin, the Mitannians and possibly the Kassites spoke eastern Aryan languages akin to Sanskrit and old Persian. The Mitannians venerated Indra, Varuna, and the Āsvins; their names have the Iranian elements *Arta-* and *-dāta*: Sūryadāta, 'gift of the Sun', is the name of a Palestinian chief in the Amarna letters, Yazdāta is another, and the Kassites appear to have called the sun *suryash* and 'god' *bugash* (*bāga*, as in *Bāgabukhsha* = Megabyzus; Sk. *bhāga*, as in *Bhāgwān*: Slav бoгъ). According to Hesychius the Phrygians called Zeus 'Bagaios'.

If Dr. Hrozný is right, therefore, we would seem to have in the Hittites one Indo-European population coming from the west through the Balkan peninsula, in the Mitannians and Kassites another coming from the east, more probably from Turkestan than through the Caucasus. However, Dr. Cowley does not think that Professor Hrozný has yet proved his point or that Hittite is really Indo-European, and the matter is, of course, still *sub judice*. Dr. Hrozný reads the Hittite cuneiform as Indo-European; it is at least reasonable to suppose that the language of the hieroglyphs is the same as that of the tablets. But we do not yet know this to be so: it may yet appear that while the cuneiform language is Aryan that of the hieroglyphs is not, and that the hieroglyphic language is the real non-Aryan Hittite speech, the other an Aryan *lingua franca* of western origin. Against such a supposition might be advanced the view, proposed by Dr. Cowley, that the hieroglyphic inscriptions, which are commonest in the Syrian dominion of the Hittites and are most evident at Carchemish, whereas they hardly appear at Boghaz Keui, are in reality later in date than the cuneiform, which they 'eventually ousted' (p. 38). We know now from the Cappadocian Semitic cuneiform tablets (which are not to be confused with the Hittite cuneiform tablets) that a Semitic dialect written in cuneiform was in use in the Halys-land at least as early as 2500 B.C. It was from the users of these tablets, obviously, that the Hittites learnt to write their tongue in cuneiform. But it is not in the least probable that the Hittites, after having used cuneiform, should have invented and adopted a clumsy ideographic picture-writing. This is going against all probability, and against all that we know of the development of writing elsewhere.

Is it, on the face of it, likely? We have to consider not merely the facts, but also the probabilities. The fact that no continuous hieroglyphic inscriptions occur at Boghaz Keui or Euyuk does not prove that the Hittites did not possess a continuous hieroglyphic script at the time they were built, in the face of the probability that they invented their national system of hieroglyphs long before they became acquainted with the foreign cuneiform. For all we know, they may have written hieroglyphs on skins before they took to the more convenient Babylonian method of incising cuneiform signs on clay tablets.

It may turn out, therefore, that the hieroglyphs, the old national writing of the Hittites, were used to express their non-Aryan tongue. But this does not seem on the face of it probable. We may yet have to confess, *pace* Dr. Cowley, that Dr. Hrozný is right, and that the Hittites spoke and wrote both in hieroglyphic and cuneiform a west-Aryan language, or at any rate a tongue, whatever its origin, with a strong west-Aryan admixture. Dr. Cowley makes a most interesting contribution to the study of the hieroglyphic system in his attempted decipherment of several of the inscriptions (pp. 48 ff.). For this he starts anew with a fresh reading of the famous bilingual 'Boss of Tarkondêmos', which leads him to make rather far-reaching interpretations of other inscriptions. Space fails us in which to discuss his readings at length. One welcomes every new attempt at interpretation with interest, confident that in time the key will be found, and that the inscriptions of Khatti will eventually be read with certitude. 'Many shall go to and fro and knowledge shall be increased.' Meanwhile we congratulate Dr. Cowley on his ingenuity and labour in this matter, by which he adds one to the number of workers in this field, Sayce, Jensen, and Campbell Thompson being the most notable.

Though he does not believe that their language, as he reads it in the hieroglyphs, was Aryan, Dr. Cowley does not commit himself as to the precise ethnic affinities of the Hittites. On p. 30 he notes (what I am myself unable to see) Mongolian traits in the Egyptian representations of Hittites: 'the curiously Mongolian type . . . the pigtail (?), the lack of hair on the face.' The Hittite pigtail certainly was a pigtail, and not a liripipe; but pigtails and glabrous countenances are not necessarily Mongolian attributes. The Hittites no doubt shaved the face, as both the Minoans and the Egyptians did; and, as I remarked in a note on p. 334 of my *Ancient History of the Near East*, 'if we are to seek for ethnic connexions for the Hittites on the score of their pigtails, one can find them in their own time and neighbourhood in the Minoan Greeks, who wore their hair to their waists and evidently often in pigtails.' The twisted or plaited pigtail is an obvious method of disposing of long hair that has been in vogue among males at various times and places from the Hittite and Minoan of the fourteenth to the Greek athlete of the sixth century B.C., and from the German dandy knight of the thirteenth to the ordinary young European man 'in his own hair' of the eighteenth century A.D., as well as the Chinaman of yesterday; and the Chinese only adopted the fashion at the beginning of the seventeenth century A.D.

But Dr. Cowley does not really think that the Hittites were Mongolians:

on the next page he tells us that he believes two races to have existed and to be represented, the one in the Egyptian, the other in the native sculptures, the first dolichocephalic and probably Mediterranean, the second brachycephalic and Armenoid. This might be held to tally with the theory of the two languages, Aryan and non-Aryan, in the land; but it does not appear probable that the monuments, whether Egyptian or Hittite, can so far be depended on as to afford evidence as to skull-form, and the Hittites depicted by the Egyptians seem to be Armenoid enough in type, especially the famous figure illustrated by Dr. Cowley in his fig. 14 a (p. 29). One would expect them to be of the Armenoid rather than the Mediterranean type, but it is probable enough that both short-heads and long-heads coexisted in Asia Minor. One would certainly associate Aryan speech with short-heads or rather 'square-heads'; and if Hrozný is right it would seem probable that it was the Hittites that were the ancestors of the modern Anatolians, whose resemblance to the German 'square-heads' of the Alpine type has been noticed by many, new to ethnology, in the course of the late war in the East. They are ultimately of the same Aryan-speaking race. But whether Dr. Cowley be right or wrong in his rejection of Hrozný's view, we can all thank him for having given us in these lectures a useful summary of our knowledge of the Hittites and a suggestive attempt at interpretation of their inscriptions. We may perhaps regret that he has not given us a more lengthy appreciation of the purely archaeological evidence, that of the actual excavations at Boghaz Keui, Saktjegeuzi, Carchemish, and elsewhere, so far as it has yet been published; but probably considerations of space militated against this. In this connexion Mr. Woolley's article on 'Hittite Burial Customs' in the *Liverpool Annals of Art and Archaeology*, vol. vi, should be read by those who are moved by Dr. Cowley's book to a further study of Hittite archaeology, and Mr. Hogarth has now given an important contribution to the dating of Hittite monuments in the introduction to his *Hittite Seals* (Oxford, 1920).

H. R. HALL.

*An Introduction to the Study of Terra Sigillata.* By FELIX OSWALD and T. DAVIES PRYCE. (London: Longmans, 1920.)

IT is barely twenty-five years ago since the appearance of Dragendorff's article on *Terra Sigillata* in the *Bonner Jahrbücher* systematized the study of the red glazed pottery, popularly known as Samian ware, produced in the Roman provinces of Gaul and Germany. The work which is now before us provides the first comprehensive study of the subject which has appeared in English. It is a book that will be warmly welcomed by Roman archaeologists, particularly by those concerned with Roman remains in Britain. The importance of *terra sigillata* does not rest upon its artistic merits. Among the hundreds of potters who were engaged in its manufacture, Libertus of Lezoux stands out almost alone as a creative artist. It was at best a poor man's substitute for silver plate—'Arretina nimis ne spernas vasa monemus'—and the failure of the wares of Gaul to establish any permanent footing in Italy was due chiefly to the superior wealth of the latter province. *Terra sigillata* has a different value for the

archaeologist. Thanks to the amount of attention which has been paid to it in France, Germany, and this country during the past twenty-five years, it has become the most easily datable object in Roman excavations. A sure chronology has been established for it. It dates the commencement of the occupation of a site as certainly as coins fix its termination, and is probably more reliable than coins in determining what may be called the internal chronology of a settlement. And this is due to the close study of names, forms, and ornament. We give a Déchelette number to 'the laughing loves' around the base of Rabbi Ben Ezra's cup; we observe around its rim 'skull-things in order grim', and classify it as Dragendorff, form 37, recognizing it at once, despite the inadequacy of the poet's description, as a typical decorated pot of the Antonine period.

The extent of the recent literature of *terra sigillata* can be gauged from the very useful bibliography appended to Messrs. Oswald and Pryce's work. But (except in outline by Dragendorff) Samian pottery has never before come under general treatment. Déchelette's monumental *Vases céramiques ornés de la Gaule Romaine* disregards plain ware as well as the products of the German, or as they are here called the East Gaulish, factories. The latter are still imperfectly known to English students. Although the important pottery centre of Rheinzabern has been fully investigated by Ludowici, there is as yet no German equivalent to Déchelette, and the scattered memoirs of Knorr and other workers in the same field are not readily accessible. Messrs. Oswald and Pryce have consequently done great service in producing a book which characterizes the potteries of eastern, as well as those of central and southern Gaul, and which embraces plain as well as decorated forms. Arretine ware and its precursors are properly excluded from their work except so far as is necessary for the study of provincial ware.

Investigation into *terra sigillata* may be said to have proceeded from potters' names to pottery forms, from forms to ornament, and, in the department of ornament, from figure types to decorative motifs. One of the features of the present work is its comparative neglect of figure designs and the attention paid to varieties of purely decorative ornament. Take, for instance, an ornament apparently so monotonous and uniform as the ovolo or 'egg and tongue' pattern—Browning's 'skull things in order grim': plate xxx shows 126 typical varieties. It is precisely this subordinate detail which may yet prove the surest clue in assigning sherds to their respective factories and periods. The study of *terra sigillata* is advancing so rapidly, our acquaintance with the history of the manufacture is becoming so intimate, that the construction of a historical dictionary of Roman potters is merely a matter of time. The germ of such a work is to be found in our authors' fourth chapter. Readers can expand that chapter for themselves out of other parts of the volume by help of the full index of potters' names at p. 280. It is, in fact, only by digging into the book and by continual reference to its 85 plates that one comes to appreciate the mass of detail which it contains. Only so may one grasp its utility in furthering the study of a subject to which it merely professes to serve as introduction.

H. H. E. CRASTER.

*Passiones Vitaeque Sanctorum Aevi Merovingici* (*Scriptorum Rerum Merovingicarum* tom. vii, pars 2). Edited by B. KRUSCH and W. LEVISON. (*Monumenta Germaniae Historica*. Hanover: Hahn, 1920.)

THE first part of the seventh volume of the *Scriptores Rerum Merovingicarum*<sup>1</sup> has been very quickly followed by the second part, which concludes this portion of the *Monumenta*. The only saint's life which it contains is the earlier life of Richar (on which Alcuin's life is based), part of the preface to which is in part I. The rest of the volume (apart from the *Addenda*) is occupied by the interesting *Libellus de Ecclesiis Claromontanis*, lists of kings with a most valuable dissertation on the regnal chronology by Dr. Krusch, in which the results of the researches, of himself, Dr. Levison, the late M. Julien Havet, and others, by which the old chronology connected with the name of Mabillon has during the last forty years been almost entirely overthrown, and which have hitherto had to be sought in scattered periodicals, are brought together in systematic form; the texts of that part of the work of the so-called *Aethicus* which relates to the Franks and of the kindred *Origo Francorum Bonniensis*; and a *Conspectus Codicum Hagiographicorum*, in which no less than 842 manuscripts containing lives of Merovingian saints and other kindred documents (the exact limits are not very clearly defined) have been with amazing diligence catalogued by Dr. Levison, with an introduction in which the nature of the collections contained in different classes of manuscripts and the relations between them are clearly and scientifically set forth. This conspectus differs from the valuable *Bibliographia Codd. Hagiographicorum*, published by the Bollandists, in that instead of being arranged under the names of the saints so as merely to give a list of manuscripts of each life it is an actual descriptive catalogue of manuscripts arranged under the names of the places where they are now preserved. This ends the volume proper, and is followed by an appendix to the first six volumes by Dr. Krusch supplying information on the subject of the texts there published which has been obtained since those volumes appeared. Of the Acts of the Seven Sleepers by Gregory of Tours, which in vol. i Dr. Krusch edited from earlier editions only, having been unable to find any manuscripts, a new text is given; of the other texts only a collation of newly-discovered manuscripts has been published, though in the case of Gregory's *Miracula*, of which Dr. Krusch has now found manuscripts containing an earlier form of text formerly known to him only from the *editio princeps*, the collation of which occupies thirty-two pages, we cannot but wish that it had been found possible to re-edit the text. The fascicule ends with two royal catalogues previously omitted, three pages of *Addenda*, and an index to the volume. By far the most important parts of the present fascicule are clearly the chronology of the kings and the *Conspectus Codicum*, and it is to be regretted that the latter at least could not have been issued in a separate form.

The chronology is of so great utility and so admirably done that I am reluctant to point out any defects in it, and that more especially since

<sup>1</sup> See *ante*, xxxv. 438.

the only blemishes which I can find relate to the form rather than to the substance. I do not clearly understand if the intention is to collect all the authorities on which the dates given are based; but, if it is, I must note that the intention has not always been carried out. We are told, for instance, that Chlodovech I died '511 post Oct. 29'; but, though evidence is given that he did not die earlier than 30 October 511, I find none that his death occurred during that year. I do not deny that he died in 511, but only point out that the evidence for the fact is not given in the text. A similar omission occurs in the case of Chlothar II. In the preface to the *Chronologica* we are given an interesting discussion of the obscure events which followed the death of Sigibert III, in which Dr. Krusch recapitulates and amplifies his own argument in vol. v, p. 90, on the evidence of a charter in Pertz, *Dipl.*, p. 91, that Dagobert II was not tonsured and sent to Ireland immediately after his father's death, but reigned at least till his fourth year (659); but Dr. Krusch himself notes that there was war between Neustria and Austrasia in 656/7, and that the followers of Grimoald are described by the Neustrian king as 'infideles', though, if Grimoald was then still ruling in the name of a Meroving king, it is difficult to see how this can be, and no notice is taken of the inconsistency. Is it really quite certain that the old interpretation of the charter is wrong? If Dagobert reigned four or five years before his deposition, it seems to me very strange that he should have reckoned the years of his second reign from his restoration. Certainly, if the old chronology is maintained, the difficulty as to filling up the six years between the death of Sigibert and the accession of Childeric remains, and Dr. Krusch's chronology has therefore much to be said for it; but an explanation of the reference to the war of 656/7 is required. In the preface to the life of Richar I note that the list of previous editions, given in the case of all other lives, is absent; and this is more unfortunate since in the reference to M. Poncelet's discovery of this earlier life it is not clearly stated that his article (*Anal. Boll.* xxii, p. 173) contains the text. I must again, as in my review of part I, call attention to the irritating practice of giving unintelligible references. How can any one understand to what 'l. c.' in the three references on p. 477 refers? I have no notion where to look for the article there mentioned, though in connexion with the chronological question discussed above it is important to refer to it.

E. W. BROOKS.

*Un Philosophe Néoplatonicien du XI<sup>e</sup> siècle : Michel Psellos, sa Vie, son Œuvre, ses Luittes Philosophiques, son Influence.* Par CHR. ZERVOS. Préface de FRANÇOIS PICAUVET. (Paris : Leroux, 1920.)

IN this book we have an attempt to determine the place of Psellos in the history of thought, and this, in the case of a Byzantine philosopher, amounts to recognizing that the rôle of Byzantium in regard to ancient learning was not merely that of a preserver: some at least of the Byzantines played a more active part. Preliminary to the conclusions reached as to the character of Psellos as a philosopher, we have chapters on the contemporary civilization and intellectual conditions at Byzantium,



on Psellos' life, education, and career, on his relation to the Byzantine Academy founded by Constantine Monomachos, and on his non-philosophical writings. The last three chapters are devoted to his work as a philosopher. The author has consulted not only the published work of Psellos, but also unpublished philosophical writings preserved in the Bibliothèque Nationale. His general conclusion is that Psellos carried on the traditions of the Neoplatonists, and especially of Plotinus, rejecting however their tendencies towards demonology and magic. The author gives us his idea of Psellos' mental attitude on p. 197 :

Cette évolution de l'école de Plotin qui s'est opérée dans le sens d'un affaiblissement du caractère propre à l'esprit grec, répugne à Psellos. Les idées inspirées par la peur, les sentiments qui dépriment et dégradent la pensée humaine lui font horreur. Il aime que la vie soit libre, douce et pleine de joies. Rationaliste avant tout, il veut des idées qui puissent répondre au raisonnement.

Much, however, of the evidence for Psellos' repugnance to magic is derived from the speech against Kerularios, and seeing that only four years later he was writing an encomium on this same patriarch, neither speech can be taken very seriously. It is easy, too, to exaggerate the humanism of Psellos : his remarks on the classics show that his *esprit grec* was always *esprit grec byzantin*. His taste for rhetoric led him to prefer Euripides to Aeschylus, who *τραχύνει τὴν ἀκοὴν οὐκ εὐήχους δνόμασιν* : nor did he find Sophocles much better. His verdict on Aristophanes—*βάνανσος τὰ πολλὰ καὶ θηλυμανής*—shows rather the prig than the hellenist.

It is also not easy to share the author's estimate of contemporary letters. In particular his praises of the poetry of John Kyriotis, surnamed the Geometer, are out of all proportion. It is almost absurd to compare his hymns to the Virgin, frigid and pedantic lists of epithets in metre, in the last hymn even arranged as an alphabetical acrostic, to the *Salve Regina* of the western church. Even higher praise is given to his *Confession* and to his *Verses to a Musician*. Of these the first is a rhetorical exercise in bad elegiacs, and in the second the poet expresses the fear that ships will be wrecked by heedlessly dancing to his music. It is this poem which Mr. Zervos mentions (p. 87) as an example of Psellos' 'impressions profondes et charmantes en face de la nature et des œuvres d'art'. The last chapter, 'Influence de Psellos sur les philosophes byzantins et les savants de la Renaissance', touches on very difficult ground. The neoplatonic doctrines of Psellos are traced in the later Byzantine age, and so to Gemistos Plethon, and from him to the platonists of the Italian renaissance, especially Ficino. This raises a question into which national feeling cannot but enter, and a western is likely to feel that the rôle played by Byzantium is here exaggerated. The stimulus of Greek learning is of course not in question, and Mr. Zervos has shown that it was not only ancient texts that the Italians received, but a learned tradition, upon which such scholars as Psellos had left their mark. So much is agreed : Italy received the contents of the storehouse of the ancient world. But it is hard to go much further than this. The contrast between the creative power of Italy and that of all the Byzantine age is too great for it to be possible to seek the source of energy outside Italy. Mr. Zervos' view is given in a passage on p. 249 :

Ainsi, grâce à Psellos et aux disciples qu'il avait formés, les Byzantins ont conservé pendant le Moyen Age, et transmis aux savants du xv<sup>e</sup> siècle, les doctrines d'Aristote et surtout celles de Platon et des Plotiniens qui sont à la base de la Renaissance. Car l'influence de Platon et des Alexandrins se fit sentir au xv<sup>e</sup> et au xvr<sup>e</sup> siècle, non seulement sur la philosophie mais encore sur les lettres et les arts.

The words 'à la base de la Renaissance' overstate any just claim that can be made for Byzantium. A similar overstatement is to be found on p. 108: 'L'humanisme de la Renaissance lui-même eut plus tard sa source dans l'école de Constantinople du xi<sup>e</sup> siècle.' For the rest there can be nothing but thanks for this book, and it is to be hoped that the author will fulfil the wish expressed in the introduction, and go on to give us a history of Byzantine philosophy from the closing of the school of Athens. The book is provided with a classified bibliography, an index, and a *Table des Matières* so full as to be a useful analysis of the argument.

R. M. DAWKINS.

*Chapters in the Administrative History of England: The Wardrobe, the Chamber, and the Small Seals.* By T. F. Tout. Vols. i and ii. (Manchester: University Press, 1920.)

THESE most instructive volumes are an instalment of a work which has been long in preparation. Some of their conclusions were provisionally and shortly formulated in the fifth chapter of the author's *Place of Edward II in English History* (1914), and the appendixes to that work contain materials which every reader of the *Chapters* should consult. The Household Ordinance of 1279, which is the longest of the new documents published in the *Chapters* (vol. ii, pp. 158-63), must be collated with the Ordinances of 1318 and 1323 which are printed in the *Place of Edward II* (pp. 270-318). The new descriptions of the wardrobe and the privy seal under Edward II (*Chapters*, ii, 224-313) are partly based upon the lists of household and wardrobe officials which are given in the earlier work (pp. 353-7). The main idea which has led Professor Tout to these researches is explained in the introduction to the new book:

Even under modern conditions, administration is more important than legislation; in the middle ages, when legislation was small in amount and largely declaratory in character, the administrative side of history bulked immensely larger (*Chapters*, i, 4-5).

He represents, as he elsewhere puts it, a reaction against the doctrine that parliament is the central point of our medieval constitution; a reaction which has been stimulated by the example of French medieval students such as Langlois, Morel, Déprez, and Viollet. To discuss the relative importance of legislative and executive in the middle ages would carry us far beyond the limits of a review. We will only remark that the tendency with which Mr. Tout identifies himself is not confined to students of the middle ages, but is abundantly illustrated by recent work in the fields of Greek and Roman history. Whether it is merely one more symptom of a sceptical reaction against nineteenth-century liberalism, or whether it is really based upon a new and deeper conception of the nature of civilized government, time alone can show.

Meanwhile, we may cheerfully admit that one result of the tendency is to encourage the exploration of some exceedingly difficult aspects of medieval history. The work will certainly be fruitful of results, even if it does not exactly justify the guiding idea of the explorers. The special problem which Professor Tout proposes is extremely interesting, if we understand him rightly. What kind of administration would England have possessed in the middle ages if the policy of Henry III, of Edward I, and of the abler favourites of Edward II and Richard II had not been thwarted by an opposition which was predominantly baronial? The answer which these volumes suggest is that the control of national finance, and the business of authenticating royal commands addressed to all administrative officials, would have been transferred from the exchequer and the chancery to the wardrobe or to the chamber, that is, to some branch of the king's household. Stubbs, it is true, has long taught us to think of the constitutional history of the thirteenth and fourteenth centuries as a running battle between a court party and a constitutional party. But he leaves us in considerable uncertainty as to the precise aims of the court and the precise methods by which the courtiers attempted to evade the control of great council and parliament. Mr. Tout takes us behind the scenes, and shows us the mechanism of the new machine which was designed to put the court programme into execution; though it must be admitted that his documents do not allow us to make very precise inferences as to the nature of the programme itself.

The Household Ordinances, to which we have already referred, show that the new bureaucracy had not developed on an imposing scale by the year 1279, when the financial staff of the wardrobe consisted of a treasurer, a controller, and four other clerks; nor is any great expansion of the department visible in the Ordinance of 1318. But in the latter part of the reign of Edward I this handful of clerks proved themselves capable of managing the larger half of the national expenditure. They were not statesmen of original views, but they were expert financiers, sufficiently esteemed to be rewarded on retirement with bishoprics or other valuable benefices. And their department had traditions behind it; for it had played a considerable rôle as early as the reign of Henry III. The wardrobe, it is true, did not often attract the attention of thirteenth-century chroniclers. The records of its activity are to be found scattered about the Public Record Office and in the manuscript collections of the great English libraries; though many of them have been printed or calendared, no one before Mr. Tout had attempted to take stock of them as materials for institutional history, and there are whole series—notably the Issue Rolls, the wardrobe accounts, the privy seals, the wardrobe debentures—which have only been calendared or indexed in a provisional fashion. One cannot be too grateful for the skill and labour which he has expended in blazing a track through this jungle. Naturally he has to warn us again and again of gaps in his evidence, of the tentative nature of some of his deductions, of the importance of questions which he has been obliged to leave open. No one man can hope to clear up the whole of this immense subject. But it is a great feat to have indicated the right lines of inquiry, and to have made such an extensive survey of the available sources.

The history of the wardrobe as a separate department in the household probably begins with the reign of John. Here we find one isolated reference, in a letter close of 24 January 1215, to the rolls of the wardrobe; the king orders that they are to be inspected to discover what Flemings are still waiting for their fees to be restored to them (*Chapters*, i. 167 n.). Before the date of this document we only hear of the wardrobe as a place of safe deposit for the king's clothes, his valuables, and his private archives. But our document evidently refers to enrolments of contracts between John and his foreign mercenaries; and it suggests that the remuneration of mercenary troops was becoming the concern of the wardrobe. This is clearly the case in the next reign. The wardrobe account for the years 1224-7, which Mr. Tout has printed for the first time (*Chapters*, i. 233-8), refers to the wages and the annual fees and the allowances of knights and serjeants as a considerable and regular item of wardrobe expenditure. John's letter also illustrates the overlapping of wardrobe and exchequer chancery which is so conspicuous in the reigns of his successors; the information which he desires is to be searched for not only in the rolls of the wardrobe but also in those of the exchequer for the time of the ex-chancellor, Walter de Grey.

If we go back behind the reign of John, we find that the wardrobe is merely a branch of the king's chamber; and this last is the only department of the king's household, apart from the chancery, which seems to be of any political consequence in the reigns of Henry I and Henry II. The chamber was the parent stock from which the treasury and the exchequer had sprung; and down to the time of the *Constitutio Domus Regis* (1135) the treasurer seems to be still regarded as an official of the chamber. The Pipe Rolls of Henry II show us the king's chamber as a solidly organized institution, with a staff of chamberlains and inferior officials, which controls the receipts and issues of the privy purse. Already it was a good opening for ambitious clerks in orders. In the second half of the reign of Henry II we find, on the chamber's staff, a future bishop of London (William of Sainte-Mère-Église) and a future archbishop of Rouen (Walter of Coutances). In the early years of John the chamber appears to be still important; and by 1208 we find that the small or privy seal of the king is specially appropriated to chamber business (*Chapters*, i. 153-4), so that the chamber officials need no longer go to the chancery to obtain writs under the Great Seal. But the evidence of the *Mise* and *Praestita* Rolls shows that, under John, the wardrobe is fast becoming an independent organization to which, as to the chamber, payments can be made from the exchequer, and that it is already discharging functions which seem to have been previously monopolized by the chamber. Early in the next reign the wardrobe ceases to be dependent on the chamber, and the latter relapses into obscurity until it is revived, for his own purposes, by Edward II. Mr. Tout does not offer an explanation of the eclipse of the chamber between 1218 and 1307. But it seems probable that the motive of those responsible for this palace revolution was a desire to emancipate the clerical experts of the wardrobe from the control of chamberlains who were always laymen and often, if not invariably, held the office by hereditary right (*Chapters*, i. 114-16).

The history of the wardrobe under Henry III is specially connected with the names of Peter de Rivaux and Peter de Chaceporc. Rivaux was in charge of the department in the years 1219-24, 1231-4, and 1257-8. Chaceporc held the same office continuously from 1241 to 1254. Rivaux seems to have been responsible for a policy of encroachment on the province of the exchequer. In his first term of office we find a new practice of obtaining block grants from the exchequer for the wardrobe expenses, and these grants increase in magnitude from year to year. In his second term he combined his wardrobe office with that of treasurer of the exchequer; and he appears to have carried to extremes a practice, which we find in an incipient stage in the wardrobe account of 1224-7, of causing taxes to be paid into the chamber instead of the exchequer (*Chapters*, i. 221). He was thrice turned out of office by the 'constitutional' party, but he was not, after 1234, regarded as a dangerous man; for the barons did not insist upon his banishment in 1258. Chaceporc was thoroughly insignificant, except for the accident of being in office during the wasteful and futile Gascon expeditions of 1242-3 and 1253-4. In times of war, or when the king was on foreign soil, the wardrobe at once became the great spending department; and so Chaceporc handled larger sums, and incurred a greater burden of debts for his master, than any keeper of the wardrobe before Droxford, whose privilege it was to finance the wars of Edward I from 1295 to 1307. If the development of the wardrobe between 1216 and 1254 was due to any deep-laid policy, we may suspect that the policy was not hatched by Rivaux or by Chaceporc, but rather by Peter des Roches, the uncle (or perhaps the father) of Rivaux, who was promoted to the control of the wardrobe as soon as Peter des Roches was firmly established in power by the death of William Marshal.

The Barons' War led to a temporary diminution in the consequence of the wardrobe. There is a clause in the Provisions of Oxford which prescribes that all the issues of the land shall be paid into the exchequer. This shows that the barons had some inkling of the wardrobe's past encroachments; and, though the wardrobe accounts for the next six years do not show any great reform in the scale of royal expenditure or in the relations of wardrobe with exchequer, Simon de Montfort appears to have made drastic changes in the wardrobe during the first seven months of 1265. He appointed one of his own party, Ralph Sandwich, a knight and a layman, as keeper of the wardrobe; and he cut down the receipts of the wardrobe by one half, so that the royal income was only about £2,500 for seven months. But Montfort's policy was soon reversed in this as in other fields. In the years 1274 to 1280 the average receipts of the wardrobe were £24,000 a year; and the average rose steadily through the reign of Edward I, until it reached £70,000 in the time of John of Droxford. Of this last period Mr. Tout remarks that the exchequer seems to have abdicated in favour of the wardrobe, and that the Issue Rolls are little more than a record of payments to the wardrobe (*Chapters*, ii. 96). This may or may not have been due to a deliberate design on the king's part. It must be remembered that the time was one of continual wars, and that the wardrobe had been for some time past the recognized war treasury. Circumstances, rather than a new policy, may account for the vast

operations of Droxford's time. If it had been the intention of the king to substitute the wardrobe for the exchequer as the permanent finance department, we should have expected him to put his ablest minister at the head of the wardrobe. This he did not do. In the critical years of the reign he kept Walter Langton, his chief adviser, at the exchequer. Droxford, the head of the wardrobe, was apparently a man of quite inferior calibre who, except as a routine financier, counted for nothing in the administration. It is just possible that Langton was given the treasurership because the formal duties of that office were expected to be light, and to leave him free for more important work. But there was one great responsibility which still rested on the exchequer, and which Edward never attempted to take away. This was the keeping of the accounts of receipts, and the holding to account of the agents through whom the revenue was collected. Although, towards the end of the reign, a large part of the revenue was paid directly to the wardrobe by the sheriffs and other collectors, these payments were always made in virtue of authorizations from the exchequer. Formally also the wardrobe was still bound to present its accounts of receipts and expenses for audit at the exchequer. The obligation was evaded in Droxford's time, by perpetual postponements of the date for presentation; his accounts were audited by slow degrees in the course of the next reign. But Mr. Tout is doubtless right in attributing the break-down of exchequer control to 'the hopeless disorder and confusion of the finances of a king who was habitually overspending his income and postponing the day of settlement' (*Chapters*, ii. 126).

We pass over the period of conflict between Edward II and the Ordainers, because the attitude of the latter towards the household is clearly explained in Mr. Tout's earlier work. It is, however, worth while to examine the policy pursued by the Despensers and their allies in the years 1322-6. We find at least three important attacks on the bureaucracy of the household in this period. (1) The exchequer was thoroughly reformed by Walter de Stapeldon (1322-5), and its control over the wardrobe was tightened in 1324 by the ordinance of Westminster. This ordinance revived the rule of the Ordainers that all issues of the land should be paid into the exchequer. It brought under the direct control of the exchequer the great spending departments of the household which had hitherto accounted to the wardrobe. It insisted on the prompt presentation to the exchequer of all wardrobe accounts which were still in arrears, and named a fixed date (14 October) on which the accounts of future years were to be presented. (2) Robert Baldock, who was chancellor between 1323 and 1326, succeeded, while he remained in office, in subordinating the privy seal to the chancery, by the simple expedient of placing it in the hands of a chancery clerk. Further he completed the severance of the chancery from the household by making the clerk of the hanaper accountable to the exchequer instead of to the wardrobe. (3) The forfeited estates of rebels, which from the beginning of 1321 to the middle of 1322 were being systematically placed under the control of the resuscitated chamber, were handed over to the exchequer in July 1322. In the *Place of Edward II* (p. 152) Mr. Tout argues, from the evidence of these measures and of the 'establishments' passed in the

parliament of May, 1322, that the Despensers were and remained reformers to the end. But in his new book he is inclined to stress the contrast between the Despensers' policy and that of the expert civil servants, such as Stapeldon and Baldock, whom they had taken into partnership. The Despensers were prepared, he thinks, to sacrifice the wardrobe and the privy seal to the new spirit of conservative reform, but only on condition that they were allowed to extend the authority of the chamber and of a new secret seal, the special seal of the chamber, which first made its appearance in 1313 (*Chapters*, ii. 325). He justifies this statement by an interesting survey (*ibid.* ii. 348-60) of the operations of the chamber under the younger Despenser. He shows that the Despenser policy had been to some extent checked by Stapeldon's insistence on the subjection of most of the forfeited estates to exchequer control. The average gross revenue of the chamber estates in the last years of Edward II was only about £2,000. But the chamber accounts suggest that Despenser and his subordinates made a considerable profit out of their connexion with the chamber system (*ibid.* ii, pp. 355, 357-8); and it is clear that the staff and the activities of the chamber increased considerably under the new régime. We seem to perceive two conflicting interests or factions in the royal party. Stapeldon and Baldock think that the power of the Crown should be asserted and maintained through the old organs of administration, the chancery and the exchequer. The Despenser faction are unwilling to let the fruits of victory go entirely to the professional administrators and endeavour to reserve for themselves at least one sphere of influence and one field for speculation.

Mr. Tout promises two more volumes, in which he will continue the history of the wardrobe to 1399, and will deal specially with the great and privy wardrobes and with the small-seals. We hope that he will be able to fulfil his promise shortly, for the first and second volumes give indications that some of his most interesting results have still to be disclosed. Pending the appearance of the index it is rather difficult to do full justice to the earlier volumes, which, owing to the nature of the subject, are intricate in plan, and contain a number of interesting digressions on side-issues. We have not attempted to go beyond the main thread of Professor Tout's investigations; and it is only fair to warn the readers of this review that there is hardly any branch of our medieval constitutional history which is not, in one way or another, elucidated by these *Chapters*.

H. W. C. DAVIS.

*Chartularium Studii Bononiensis. Documenti per la Storia dell' Università di Bologna dalle origini fino al secolo XV.* Vols. ii and iv. (Bologna: Commissione per la Storia dell' Università di Bologna, 1913, 1919.)

THIS chartulary is being edited with extraordinary thoroughness. Masses of documents are being published, most of them *in extenso*, which are only very remotely connected with the history of the university. Thus in vol. ii we have a number of documents from the monastery of Sant' Agnese in Bologna, which throw no light upon the university beyond an

occasional mention of a professor's name or an action in which a professor or scholar was engaged. There are some licences to export books, interesting as giving the titles of the books in the private library of a student. The acts of the legate, Cardinal Lodovico Fieschi, contain information as to the salaries paid to various doctors in 1412 and 1413. It is interesting to notice that at this time the *studium* had been so 'totally destitute of famous doctors who were citizens of Bolognese origin, and collapsed', that the students were threatening to leave for better staffed universities. Such were the consequences of the attempt at establishing a largely hereditary professoriate by the restriction of the principal chairs to Bolognese citizens and the limitation of the number of Bolognese who might be promoted. The documents printed from the registers (Vatican and Avignon) of Pope Gregory XI are more directly connected with university history. Many of them relate to the Collegium Gregorianum founded at Bologna by that pope in 1371. Privileges were naturally showered upon the papal foundation with a lavish hand—licences to hold benefices in absence (which throws light upon the question as to the meaning of 'poverty' when applied to members of college foundations), to choose their own confessor or to be ordained by any catholic bishop, exemptions from degree fees, a faculty to absolve each other for 'light injections of hands' upon a clerk not amounting to 'effusion of blood' (all assaults on clerks were of course cases reserved to the apostolical see), and so on. The statutes of 1377 are printed *in extenso*. An interesting feature is the provision of two masses, one before the morning lecture 'sine cantu', the other (a sung mass) afterwards; attendance at one or the other is compulsory (p. 295). Scholars are to confess three times a year and to communicate at least twice. The whole organization of the college is, as was usual in Italian colleges, an imitation of the highly democratic constitution of the universities. The rectorship is an annual office; and, although this was a college containing 30 scholars, 6 chaplains, and 15 servitors, the rector need not be more than 24 years of age. Gregory XI was a native of Limoges, and the scholars were to be partly Italians from the states of the church and partly from the Limoges country; it is interesting to notice that the treasurer had always to be a Frenchman: did the Gallican pontiff think Italians 'mere babes in finance' or was it their moral qualities that he distrusted? The rector might put servitors in the stocks (*cum ligneis compedibus*). Scholars here had separate rooms at about the time when in England, at New College for instance, such a luxury was reserved for doctors of divinity. These are the only college statutes I have seen in which an infirmary forms part of the building, medical attendance is provided for, and if a scholar died in college (but not otherwise) he is to be buried at the expense of the college. It is noticeable how completely the chaplains or priests are regarded as on a level with the college servants. If a scholar assaults a priest or servant, he is to suffer one day's bread and water; for a second offence, two days; only on the third is he expelled. But if a priest or servant assault a scholar, he is expelled forthwith. Musical instruments are allowed, provided they are used 'moderately'. There is a list of offences for which



expulsion was the penalty on the first offence ; it is interesting to notice that this did not include theft from the college unless the goods stolen exceeded the value of 30 *solidi* ; theft from an individual was pardonable up to the value of three *librae Bononienses*.

Volume iv consists of a large mass of 'notarial acts' from the 'Archivio Notarile' of Bologna. Many of them are deeds and documents relating to proceedings of all kinds, contentious and non-contentious, more or less connected with the bishop's court, dated from 1319 to 1389, and are related to the university only so far as one or more of the parties concerned was a doctor or scholar—wills, acknowledgements of debts, proceedings for the recovery of debts, loans, leases, conveyances, excommunications, absolutions, proxies, institutions, &c. Like every such collection of medieval documents, they are full of curious sidelights upon medieval life. Some of these documents show that the opposition of the medieval church to usury was not so much of a dead letter as is sometimes supposed. We find, for instance, an executor or 'commissary' of a deceased person repaying a sum gained by usury before distributing his goods (p. 132). It is rather startling to find two cases in rapid succession of a beneficed clergyman resigning his living on account of his marriage (*uxoratio*, pp. 143, 146) ; but of course he need not necessarily have been, and no doubt was not, in major orders. The documents most closely connected with the inner life of the university are a series of records of the 'private examination' and the 'public examination' or actual graduation of doctors. In some cases the votes are given, and occasionally a doctor votes against the candidate. One votes 'uti studeat adhuc per annum', another more bluntly 'pessime in obiectionibus, ideo non approbo, sed adhuc studeat' (p. 82). There is a puzzling feature connected with some of these records. The chancellor of the university at Bologna (except for theology) was of course not the bishop but the archdeacon ; yet in some cases (not in all) it is recorded that the examination took place in the presence of a representative or 'vicar' of the bishop and a representative of the chapter (p. 87 f.). It would seem probable that this was during the vacancy of the archdeaconry or the temporary absence of the archdeacon.

For the general history of universities these volumes do not supply much new material, simply because the statutes and the other more important documents have already been printed, but still there are gleanings which help to fill up gaps in our knowledge ; and it is unnecessary to insist on their value for local history and biography. Very occasionally I have noticed slips of the kind which suggest rather errors of the press than actual misreadings of the text, e.g. 'fatam albam' for 'fabam' (iv. 211).

H. RASHDALL.

*Les Journaux du Trésor de Charles IV.* Publiés par JULES VIARD.  
(Documents Inédits sur l'Histoire de France. Paris : Imprimerie Nationale, 1917.)

THE financial administrative system of the French monarchy grew up later than that of the English Crown, and took a long time before it resulted

in a complete differentiation between the fiscal apparatus of the royal household and that of the state. Yet by the early fourteenth century it had attained an elaboration almost approaching that of its English counterpart, and thenceforth offers interesting points of comparison and contrast with our own system. Unluckily the materials for the history of French state finance, never perhaps quite as complete as the records of our exchequer, have suffered terribly from neglect, from dispersion, from the ravages of fire, and from wanton destruction during the Revolution. Hence there are no long and continuous series like our great exchequer enrolments. However, sufficient samples of various types of financial records still survive, to enable scholars painfully to trace the development and explain the nature of the system. Accordingly, when historians set to work on the subject their first object was to reproduce its general features. Such efforts have resulted in the publication of such books as MM. Petit and Gavrilovitch's *Essais de Restitution des plus anciens Mémoires de la Chambre des Comptes* and M. C. V. Langlois's edition of Robert Mignon's *Liber de Inventorio Compotorum Ordinariorum et Aliorum*. From these we can gather the nature of the general process of French finance, and learn what sort of account-books and records were at one time preserved of the financial operations of the later Capetians. Their publication has been followed by some of the actual accounts themselves. When more of these have been made accessible in print, the atmosphere of conjecture and controversy which has until lately surrounded the history of this branch of the French administration will in some respects be cleared up. Already Colonel Borelli de Serres has done much to plot out the ground. The work of M. Jules Viard will afford much material for a more detailed and definitive survey of the field of French finance.

By the early fourteenth century three organizations stood out clearly in the confusion. There was the *camera denariorum*, now definitely the financial authority of the royal household. There was the *camera compotorum*, already sedentary in Paris and the supreme controlling authority in all matters of finance. There was also the *thesaurus regis*, itself become stationary at Paris, with its separate staff of two treasurers, a changer, a treasury clerk, and subordinate officials, who jointly formed a corporation, the *familia thesauri*. This organization was distinct from the *chambre des comptes*, though it had intimate relations with it, acted in common with it, and was to a considerable extent subordinate to and dependent upon the higher body. If comparisons were not misleading when conditions, though analogous, were so different, we should not go far wrong in saying that the French treasury stood to the *chambre des comptes* in something like the relation that our 'exchequer of receipt' stood to our 'exchequer of account'. The main difference is that, while the English bureaucracy proudly emphasized the unity of the exchequer, French officials seem to have considered treasury and 'chamber of accounts' as two separate organizations.

The treasury, like our exchequer of receipt, had its own sets of books, and prominent among these were the treasury journals, which formed, as Colonel Borelli de Serres has well said, 'le premier élément de toute la

comptabilité'.<sup>1</sup> In them were copied out the transactions between the treasury and the various accounting officers, the *baillis* from the north, the *sénéchals* from the south, the royal officers charged with missions, the financial chiefs of the king's and queen's households, and a great variety of individuals or corporations who owed something to the Crown or to whom the Crown was itself indebted. Such method as the journals had was simply chronological. The transactions of each day were recorded under the heading of that day. But under the daily entries were confused receipts, expenses, and elaborate credit transactions by which the accountants were duly credited with sums that they had been authorized to expend and their amounts set off rigidly against the dues and taxes which they had collected. In English language the journal, though in form somewhat analogous to our *jornalia garderobe*, was both an issue roll and a receipt roll. The result is somewhat confusing, but the confusion is minimized by the precision with which the various entries are distinguished into three main categories. All treasury receipts are set down as *de* such and such a person, while the issues are entered on the roll by the name of the recipient being recorded in the nominative. But the bulk of the journal is devoted to complicated operations of credit, where no cash changed hands, but where the accounting officer's receipts from taxation were balanced against the sums he had distributed by royal order from the amounts already collected by him. Here the formula is *cepimus supra regem* to chronicle credits and *reddidimus* as the corresponding phrase for the recording of debts. It follows that the cash transactions of the French treasury are even more clearly distinguished from its book-keeping operations than are those of the English exchequer. Indeed we have only recently been taught to understand how much this element of book credits entered into the exchequer accounts by reason of our system of advances on tally and the like. It follows that both the French treasury journals and the English issue and receipt rolls represent not merely cash transactions, but current accounts like those which a banker keeps for his clients, involving in each case a mere transference of balances.

Besides the journals there were some six other types of *livres du trésor* accounts which supplemented their limitations. Among these were the *extractus thesauri*, the register of the *campso*r (exchanger or cashier), the *ordinarium thesauri*, the *comptus thesauri*, and the *livres des recettes* and *livres des dépenses*. These latter two categories of accounts were, however, preliminary repertories, much corrected, differing in kind from the formal and orderly receipt rolls and issue rolls of our English exchequer. We may well congratulate ourselves on the superior abundance of our English records as compared with the very scanty fragments surviving of the seven sorts of treasury books enumerated by M. Viard. But French historians may well be credited with the good use that they are now making of fragmentary authorities. The blind guesswork and wild hypotheses of which Colonel Borelli has justly complained represent a rapidly vanishing stage of French scholarship.

The oldest *Journaux du trésor* extant go back to the days when the Temple at Paris was substantially the seat of the treasury. Next come

<sup>1</sup> *Recherches sur divers services publiques* ii. 104 f. (1904).

the journals of 1297-1301, of the reign of Philip IV. These have been already printed, and others only less old are summarized in Mignon's inventory. We owe to M. Viard the integral publication of the two first substantial surviving examples of these journals. The earlier of these to see the light is the later and less comprehensive of the two. It is contained in *Les Journaux du Trésor de Philippe VI de Valois*, issued so far back as 1899 in the series of *Documents Inédits*. They cover the years 1348-9 and show how a period of war and pestilence attacked the economy of the treasury. To this volume is added another type of treasury record, a summary of ordinary payments of salaries and pensions called the *ordinarium thesauri* of 1338-9, discovered in the British Museum, where it was acquired by purchase after wonderfully surviving the general destruction of financial archives carried out by the Jacobins. The present volume, announced as imminent by Colonel Borelli as long ago as 1904, has been long delayed for obvious reasons, and is only now before us. It ranges from 1322 to 1328, and gives complete material for the study of the treasury transactions of the years 1322 to 1325. M. Viard has given an excellent edition of these documents. His texts leave nothing to be desired. His index is careful and, so far as we have been able to test it, complete. The only difficulty is that, following the traditions of the series, each personage is indexed under his Christian name, so that in the case of common names such as John we have to wade through a good many entries of people that we do not want before we can light upon the particular John with whom we happen to be concerned. Even as an index of subjects it seems singularly complete, as witness the entry 'Papagaut', which refers us to no. 10212, which shows how the king's *artilliator* received £4 12s. 8d. *parisis* 'pro quadam cagia per eum facta pro quadam ave regis dicta *Papegaut*'. A parrot in 1326 seems to have been a rare and remarkable bird, and worthy of a costly cage!

M. Viard's introduction is an admirable piece of work. Combined with his introduction to his early volume it furnishes us with the most complete study of the operations of the treasury. The present introduction differs in scope from M. Viard's introduction to the journal of Philip VI, wherein his chief concern was to describe the nature, functions, and *personnel* of the royal treasury. In this volume the happy survival of the complete journals of four consecutive years has enabled him to draw up a complete view of the receipts and expenses of the treasury for the years 1322 to 1325. These amounted on an average, the receipts to about £555,000 *parisis* a year, and the expenses to about £534,000 *parisis* a year. The comparative totals suggest sound finance, but whether all the issues and expenses passed through the treasury or not, it was no part of M. Viard's business to say. Our natural desire is to compare these totals with their English equivalents, but the time has perhaps not yet come when an effective comparison can be made. Painful experience of corresponding figures in the England of Edward II convinces one of the rashness in laying down dogmatically totals of royal expenses and receipts, and there is no reason for believing that the problem in France was simpler. And even were general comparison practicable, there would be the difficulty of estimating the relative value of the pound sterling and the pound

*parisis* at each particular epoch. The questions of exchange demanded all the energies of the *campsores thesauri*. They were infinitely more complicated than anything we have to deal with in modern times.

In spite of obvious differences there are close analogies of method in the financial offices of the two kingdoms. In English and French records alike we read of officers drawing money *pro secretis expensis regis* or *pro hospicio regis* or *pro hospicio regine* or *super vadia sua*. We find the Italian bankers hard at work and very necessary for the purposes of the short advances which enabled the Crown to pay its more pressing creditors before the revenue from domains or taxes slowly came in. The Bardi and the Peruzzi are as active in France as in England, and the Frescobaldi had disappeared as completely from France as if there had been ordinances for their expulsion as in England. The Genoese banker knight Antonio Pessaigne, after breaking with Edward II between 1318 and 1320, is here revealed as active in the French service at a time when England and France were drifting into war. It is interesting how little a part customs play in treasury finance in France when they loom so large in England. The chief sums payable under that head come from Italian merchants for licences to export prohibited commodities, notably English wool, which they were suffered to take through France on paying adequate dues at the frontier place where they left the kingdom. T. F. TOUR.

*The Sign Manuals and Letters Patent of Southampton.* Edited by HARRY W. GIDDEN. 2 vols. (Southampton Record Society. Southampton: Cox & Sharland, 1919.)

THE valuable town records of this country would rarely be copied and printed but for the self-denying labours of the local scholar, and the publications of the Southampton Record Society show what may be done in this direction. Such work takes long in doing; the volumes before us, together with Mr. Gidden's other books on the Southampton charters, have apparently taken ten years to complete. Transcriptions of this kind are full of minor difficulties, and the work may be very wearisome when, as not unfrequently happens, the document is so full of lawyers' verbiage that much labour yields little matter; nevertheless the importance of the publication of such documents is recognized on every hand. These before us show much of the peculiar character of Southampton, the importance of its harbour, the presence of foreign merchants, and the national significance attached to its fortifications. The letters bearing Richard III's sign-manual have an interest which always belongs to everything touching on the dramatic personality of this king. We see in them the usurper trying to coin popularity by reviving the restrictions on the retail trade of foreign merchants, or—his throne having become unstable—ordering the arrest of sowers of sedition. One letter deals with a daring feat of Channel piracy, though we fail to understand at this date Mr. Gidden's comment on the matter of the bales of cloth which formed part of the pirates' haul: 'the woollen goods were being brought over from Flanders . . . as no manufactured wool was as yet produced in England.' Another capture by pirates is mentioned in a missive of Edward IV,

where the booty, seized in Winchelsea harbour, and consisting of a cargo of herring, wax, and 'Clothes of Tapestry work', was afterwards disposed of at Southampton. Mr. Gidden hints that the men of the last-named town were not altogether above reproach as regards their conduct on the high seas. One of these royal letters—of no intrinsic interest otherwise—bears the rare signature 'R. Gloucestre' and is dated 'at London the iij<sup>th</sup> day of Marche'. Mr. Gidden assigns it tentatively to Richard's protectorate; this, however, cannot be. No fourth of March saw him protector of England. Edward IV died on 9 April 1483, and by 26 June Richard III was king.

A very interesting document, and curiously full of names belonging to distant Warwickshire, is the commission in which the child, Prince Edward, afterwards the Black Prince, appoints (1339) Thomas Beauchamp, earl of Warwick, 'guardian' of Southampton, mentioning individually the knights, squires, and archers who formed the guard. This earl was, however, not the younger Thomas who fell out with Richard II and gave his name (Beauchamp) to that part of the Tower of London where he suffered imprisonment, but his father, who died in 1369 after serving with distinction in the French wars. From his county the earl brought a Verdon of Brandon, Pecche of Honiley, Lucy of Charlcote, and from Hartshill probably a Hardeshull, though the ancient spelling of the place and family is Hardreshull. From Astley, hard by, came too the 'banneret' of the company, the earl's brother-in-law, Thomas de Astleye, much celebrated for his works of piety, for he founded and endowed the fine collegiate church of his native place. Altogether the list of names is of great interest. Mr. Gidden is puzzled by the derivation of one of these—le Ken. Should we not read 'le Keu', i. e. the cook?

To the precept for the proclamation of the statute concerning measures and labourers (11 Henry VII) Mr. Gidden appends a useful dissertation on the purchasing power of wages in the fifteenth century with a view to challenging Thorold Rogers's dictum that that period was the golden age of English labour. It is a difficult matter to estimate money values in a past age; commodities vary so from age to age as well as the standard of life. And yet the ordinary labourer of 1496 seems to us a prosperous man. He could buy a goose (3*d.*) with the proceeds of a winter's day's work, and five summer days' work (1*s.* 8*d.*) would bring him the worth of a fitch of bacon, satisfactory purchases even if poultry were smaller and pigs leaner than to-day. The transcription seems careful—though here and there the printer has slipped, giving 'proceffe' for 'processe' and 'redula' for 'cedula'—and there are a quantity of notes. The index is excellent, and the book should prove valuable to the local historian.

M. DORMER HARRIS.

*The Lollard Bible and other Medieval Biblical Versions.* By MARGARET DEANESLY. (Cambridge: University Press, 1920.)

MISS DEANESLY'S *Lollard Bible* is the first volume of a series of 'Cambridge Studies in Medieval Life and Thought' edited by Mr. Coulton: it is

a learned book and worthy of a Mary Bateson Fellow. In effect it is an answer to the 'startling' theory put forward by Cardinal Gasquet that the versions now known as the Wycliffite Scriptures are, in reality, only authorized catholic translations of the Bible'. As a refutation of this theory the book must be regarded as conclusive and final. Miss Deanesly begins with examining the attitude of the official church to vernacular translations and vernacular Bible reading by the laity in other countries—in France, Italy, Spain, the Empire, and the Netherlands—and finds it from the time of Gregory VII to the end of the middle ages uniformly hostile. Papal pronouncements were sometimes equivocal and more moderate than those of local bishops and synods. Thus Innocent III, in a letter in reply to the bishop of Metz (whom Miss Deanesly persists in calling archbishop), admits that 'the desire of understanding holy scriptures, and zeal for exhorting in accordance with them, is not to be reprehended but rather commended', but he goes on that it was 'written in the divine law that the beast which touched the mount should be stoned; lest, apparently, any simple and unlearned person should presume to attain to the sublimity of Holy Scripture', and his commissioners burnt all the Waldensian Bibles they could find. Gregory IX inserted Innocent's letter in his decretal in such a modified form that it was even quoted at the end of the fourteenth century as implying approval of the translation of works of edification, but Gregory was responsible for the decree of the synod of Toulouse in 1229 (over which his legate presided), which enacted that 'lay people shall not have books of scripture, except the psalter of the divine office; and they shall not have these books in the vulgar tongue'. The decrees of Toulouse had more than a local authority, and similar prohibitions were issued in other countries. The possession of the Bible or parts of it in the vulgar tongue, or ability to repeat passages from vernacular versions, was regarded by the inquisitors as strong *prima facie* evidence of heresy. It is not surprising therefore to learn that no manual of religious instruction has been found which recommends Bible-reading to the faithful laity before the end of the fourteenth century. The earliest example which Miss Deanesly has discovered is contained in a work of the Franciscan Otto of Passau in 1386, and this is addressed not to the laity in general but to the 'friends of God', a devout section of the community, who about this time were falling under suspicion of heresy.

Miss Deanesly does justice, on the one hand, to the church's efforts to educate the clergy and to instruct the laity in the articles of the faith, and, on the other, to the ecclesiastical point of view in forbidding all attempts at the popularization of biblical translations: the church acted 'from quite worthy motives and deliberate judgement as to the inexpediency of such a course'. The arguments are much the same at all periods—the difficulty of accurate translation, the impossibility of giving the spiritual meanings in another language, the inferiority of the literal to the spiritual meanings, the inability of the human intellect without adequate preparation to understand the Bible, and the consequent certainty of the growth of heresy and schism. It is remarkable to find a Franciscan before 1272 denouncing the followers of Peter Waldo because



'they said that the gospel ought to be obeyed altogether according to the letter'. It should be noticed that there is no accusation of wilful perversion of the text for doctrinal purposes, such as one finds in the sixteenth century. The Waldensian versions were not heterodox in themselves, and were used as the basis of vernacular versions which in later times were possessed by orthodox nobles and houses of nuns in Italy and Germany without any suspicion of their heretical origin. Another fact which emerges is that the Waldensians had books of Sunday gospels and epistles and learnt them by heart (see especially p. 39). These facts have a bearing on the controversy respecting the origin of the English translations of the Bible. This is the first time that continental evidence and analogies have been systematically used in the elucidation of the problem.

In England the evidence as to the existence of vernacular versions, whether in French or English, before Wycliffe is discussed. On the French versions Miss Deanesly is not very satisfactory: several Anglo-Norman or Anglo-French or French manuscripts are mentioned in the fourteenth century, but it is not clear whether these represented one or several translations. At any rate there seems to have been very few examples: one manuscript belonged to a monastery, others to kings, and one to a John Wells in 1361 as to which further information is desirable. Of English prose versions before Wycliffe, apart from the Anglo-Saxon ones and the Psalter, Miss Deanesly says 'there is no single will which mentions an English Bible before Wycliffe's death at all: nor is there any reference to one in any other historical source'. Even more conclusive than the absence of any definite extant evidence is the silence of contemporary controversialists. Several treatises on the lawfulness of English translations, which were written at the beginning of the fifteenth century, are printed in the appendix. Purvey eagerly sought for precedents to justify the Lollard Bible, but the only English examples he can find are Bede and King Alfred: 'also a man of Loundon, his name was Wyring, hadde a Bible in Engliche of northern speche, wiche was seen of many men, and it semed too houndred yeer olde'—probably a late Anglo-Saxon version.

The question of the dates and authorship of the two Wycliffite versions is fully and fairly discussed, and the conclusions reached are that Wycliffe was the instigator of the translations, the first literal and word for word translation was being executed by Nicholas Hereford and other members of the Wycliffite circle at Oxford in and about 1382, and completed about 1384, the second freer version with the general prologue was the work of John Purvey and was completed between the beginning of 1395 and the beginning of 1397. These conclusions seem fully justified. Miss Deanesly is less happy in arguing that Wycliffe intended that only lords and knights and less lettered priests should use such translations, and that 'it was the followers of Wycliffe, and not Wycliffe himself, who went further and desired that every man should be acquainted with the gospels, through learning them by heart'. Wycliffe himself maintained that all, whether priest, knight, or labourer, should 'carefully study the gospel in that tongue in which the meaning of the gospel was clearest to them', and urged there was 'no man so rude a scholar but that he might learn the words of the gospel according to his simplicity'. Miss Deanesly is



not a Lollard partisan and is perhaps more in sympathy with the orthodox than with the Lollard point of view ; she finds it hard to understand how an intellectual like Wycliffe can have inspired a genuine religious movement (p. 225). Her conclusions as to the origin of the fourteenth-century English Bible are the result not of any pro-Wycliffite prejudice but of the full and fair examination of the facts. An example may be given of the rewards which sometimes fall to the lot of the careful researcher. Cardinal Gasquet quoted from ' a strange old contemporary tract ' printed by Foxe the statement ' that into a Parliament, in the time of King Richard II, there was put a Bible, by the assent of the archbishops and of the clergy, to annul the Bible at that time translated into English ', and he naturally inferred that the church had actually proposed that parliament should sanction an approved vernacular translation, strange as the procedure might appear. Miss Deanesly has edited the tract, which is by Purvey, and the correct reading is ' in to a parliment was put a bille . . . to anulle the Bibel '.

The provincial council of Oxford in 1408 decreed that no one should make any translation of Holy Scripture on his own authority, and prohibited the reading of the Wycliffite versions or any future translation until that translation had been approved by the diocesan or a provincial council. Whether or not the suggestion of an authorized version was seriously meant, it was certainly not carried out, and as a substitute for the Bible Arundel about 1410 commended Nicholas Love's version of the *Mirror of the Life of Christ* and authorized its publication ' to the edification of the faithful and the confutation of all false heretics or Lollards '. The bishop of Wells in 1431 forbade any one to translate Holy Scripture or any part of it into English or to possess English translations of the scripture : and the reading or possession of English translations of the scripture appears among the charges in many Lollard trials in the fifteenth and early sixteenth centuries.

Mr. Coulton, as general editor, invites corrections and announces that a full list of *errata* noted in each volume of the series will be included in succeeding volumes. The following errors have been noted. P. 69 n., Grosseteste died in 1253, not 1265 ; p. 103, objection might be made to the style ' chancellor of the university of Paris ' ; a sentence on p. 133 suggests that Bede described his own death in the *Ecclesiastical History* ; p. 135 n., and elsewhere, Miss Graham's *Intellectual Influence of English Monasticism* is printed in the *Transactions of the Royal Historical Society*, vol. xvii (new series), not vol. vii ; pp. 141 and 442, Grosseteste's sermon quoted by Purvey is sometimes called *De Cura Pastoralis* and is extant in various manuscripts, e.g. Bodley 36 ; p. 163 n., *Opus Minor* ; p. 164, the only catalogue of a friary library in England so far discovered is that of the Austin friars of York ; p. 177, William of Nottingham died 1254, not 1291. The statements about Peter Aureoli on p. 178 are inaccurate and imply a misunderstanding of university affairs. Lecturing on the sentences was the duty of a B.D. When Aureoli was chosen by the general chapter of his order in 1316 to lecture on the sentences at Paris, it means that he became bachelor of theology ; he was promoted D.D. (by papal injunction) in 1318. P. 183,

Grosseteste did not possess a copy of the *Manuel des Pêcheurs*; the manuscript referred to merely attributes the work to him. The Canterbury *sede vacante* wills would have supplied the names of several other owners of Vulgates (p. 185), and might have led to a modification of the statement that 'in the earlier cases [apparently before 1378 ?] all the vulgates were left to corporations'. On the same page, for Richard Chandos read Richard de Wyche; the date 1299 after Nicholas of Winchester is misleading, as Nicholas died in 1280. P. 187, it is unknown whether the English Dominicans were bound by their constitutions to direct Dominican nuns; it is known that there was only one house of Dominican nuns in England. It may also be noted that 'the Dominican house of Holborn' was not 'the scene of so many prominent Lollard trials' (p. 287, cf. p. 235), as the Dominicans sold their Holborn site (Lincoln's Inn) in 1286. On p. 238 John XXII should be John XXIII; p. 291, Peter Payne was M.A., not regent-master of theology, in 1406. P. 330 n., an earlier instance of a chantry founded partly for educational purposes is that of Bishop Langley at Durham in 1414 (*Victoria County History, Durham*, i. 371); the great majority of the chantry priests of Oxfordshire are described as 'well learned', or in some cases 'very well learned'. In the note on Petrus Johannes Olivi, p. 404, a reference to Ehrle's articles in the *Archiv für Literatur- und Kirchengeschichte* might be added; and there seem to be a few misprints in Butler's 'Determination'. One or two of Miss Deanesly's generalizations need to be modified, e.g. that the friars were 'the only lecturers on the biblical text' at the universities (p. 268), and that there is no evidence that the Bible was used for reading in the refectories of monasteries (p. 174). This statement is based partly on a Durham list of books *qui leguntur ad collationem*. 'Collatio' was an hour's reading after supper or after vespers, when the rule of St. Benedict expressly says that the Heptateuch and Book of Kings should not be read 'as it will not be useful to feeble minds to hear those portions of Scripture at that time'. A Bury MS. contains a list of books to be read *in mensa servitorum in refectorio et ad collationem conuentus per totum annum*: all these are patristic, except a passage from St. John's Gospel. The 'servitores' had their meal after the monks, apparently in the refectory. If this is the correct interpretation, neither of these cases bears on reading in the refectory of the convent. On the other hand, the *Consuetudines Chuniacenses* give full directions for the reading of the whole Bible *in ecclesia* and *in refectorio*: some books are to be read only in church, others only in refectory, others in both: it is clear that provision was made for the reading of whole books both of the Old and the New Testament in refectory. The *errata* here pointed out are mostly slips of small importance. They do not in any way interfere with the main argument, or detract at all from the permanent value of the book. A. G. LITTLE.

*Erasmus and Luther: their Attitude to Toleration.* By R. H. MURRAY, Litt.D. (London: Society for Promoting Christian Knowledge, 1920.)

DR. MURRAY'S book on Erasmus and Luther is a large one of some five hundred pages. He wants to write on the growth of toleration; and he

takes the two leaders of the Renaissance and the Reformation respectively in order to illustrate the march of its progress. The book is not a history of their times, but its chapters follow the well-marked periods into which that epoch is divided. The author assumes a knowledge of the events and the turning-points, and so obtains for himself free range for comment and amplification. There is no doubt about his information ; but his rather discursive method is occasionally distracting, if generally interesting. It is thus not a book for the uninitiated : and it demands, on the part of the reader, besides some familiarity with the period, powers of concentration and co-ordination which cannot always safely be assumed. There is a large apparatus of bibliography and reference ; but these do not disturb the reading of the text.

The author begins with 'the mature thought of Erasmus' (ch. i) down to the time when as a man of fifty he was 'the intellectual king of Europe'. Then follows (ch. ii) a sketch of 'the early thought of Luther' when as a young 'monk' (which should be 'friar') of thirty-three he challenged the reigning system of indulgences in 1517. The third chapter deals with 1517-21, when a 'rift' begins to appear between Erasmus and Luther which afterwards developed into mutual distaste. Chapters iv and v are concerned with Luther's excommunication in 1521 ; his effort to re-establish, for the benefit of the radicals at Wittenberg in 1522, some shreds of authority in place of the authority of the pope which he had destroyed. We then return to the growing rift, with comments in ch. vi, on 'the attitude of Erasmus' to the treatises of 1520 and the events of 1521. The 'controversy on free-will', described in ch. vii, rendered the breach irreparable. Luther's abandonment of the people and adhesion to the princes in the Peasants' War is the subject of ch. viii, the direct result of this being rightly held by the author to have been the substitution of civil for ecclesiastical authority, and of a spirit of intolerance for his former habit of toleration. Chapter ix follows in the wake of the reform of the church on the principle of territorialism or *Cuius regio, eius religio* : begun at Spires in 1526 and finally accepted at Augsburg 1555, though for Lutherans only, not for reformed within the empire. Then ch. x deals with the opening, all too late for reconciliation between papist and protestant, of movements for a council : which, 'curiously enough, coincide with the decade between the death of Erasmus in 1536 and of Luther in 1546. A final chapter 'On Church and State' gives an opportunity for summaries : and there is an elaborate appendix on 'The conception of progress in Classical and Renaissance writers'. 'In the sixteenth century, few even of its most eminent thinkers entertained the idea.'

The book is full of illustrations of the main thesis, and these are drawn from an extensive reading. The author delights in contrasts. He points out how for the success of toleration, two types of mind are wanted : the meditative, to make for order ; and the destructive, to secure movement. These he finds, the one in Erasmus, the other in Luther ; and there is a long-drawn-out but interesting comparison between those two great and gross but typical Germans, Luther and Bismarck. Dr. Murray is decisive and yet sound in marking characteristics of movements, and fixing

their turning-points. Thus up to 1525 Luther was tolerant; afterwards intolerant, but only in word; for no Servetus was burnt in Germany. Toleration, however, was not the child of the reformers but of the reformation: men claimed for themselves a liberty which they denied to others, but events ultimately vindicated it for all, on the principles which the reformers were the first to proclaim. In Germany the reformation was authoritative, in England conservative, in Switzerland democratic; and this because it was supported respectively by the princes, the middle classes, and the people in conflict with Austria. These differences are well known to historians, but they are well put by Dr. Murray; and then there is thrown in a large amount of reflexion which makes his book well worth the attention of those who already have some knowledge of the subject. But it lacks concentration, and compares ill, in this respect, with such a book as Mr. C. Beard's *Hibbert Lectures*, which deal very much with the same ground.

B. J. KIDD.

*The Chantry Certificates and the Edwardian Inventories of Church Goods.*

Edited by Miss ROSE GRAHAM. (Oxfordshire Record Society. Oxford: Issued for the Society, 1919.)

THIS book is the first-fruits of the Oxfordshire Record Society and it sets a becoming standard of excellence. The book chiefly deals with the Edwardian Inventories for the county (pp. 57-137), but it includes also that part of the return made by the first of all university commissions (appointed in 1546) which concerns the chantry chapels in Oxford itself, the Chantry Certificate for Oxfordshire in 1548 (i. e. the returns made of all the endowments which came under the act 1 Ed. VI, cap. 14), and the abstract of the certificate which was made after that act had taken effect for the purpose of enrolling the pensions allotted to the chantry priests and money paid for schools and for assistant clergy. The documents connected with the chantries are of great interest, though, as Miss Graham points out in her excellent introduction, there are curious discrepancies between the returns of the number of communicants ('housing people') in the certificate itself and in the abstract made two or three months later. As a rule the numbers of the communicants before Easter 1548 are much smaller than those given later, e.g. at Burford the figures are respectively 544 and 1,000, at Standlake 83 and 200. Miss Graham thinks that the earlier figures, supplied by the parsons and churchwardens, were given carelessly, and that when the endowments had passed to the Crown and there was still 'the chance of saving something out of the spoil for the parish', they gave quite different figures. That is a plausible hypothesis, but it does not, as Miss Graham notes, meet all the cases, for in two instances the figures dropped, at Henley and at Rousham: whereas in the earlier return there were said to be 1,000 and 203 communicants in those respective parishes, in the later abstract they are reduced to 500 and 140. An explanation which accounts for all the divergencies is that at Easter 1548 the parish priests and churchwardens made a serious and successful effort to count the communicants and corrected their previous estimates accordingly.

The evidence about the Oxfordshire chantry priests themselves is interesting; they compare very favourably with those in some counties: all are described as men of good conversation and of honest behaviour, most of them are well learned, two very well learned. Here, perhaps, it is not fanciful to see the influence of a university near at hand. It is odd, as Miss Graham notes, that the ages of the chantry priests are, in fourteen out of the sixteen recorded instances, given in multiples of ten. These clergy were not ungenerously dealt with by the commissioners in the matter of pensions; they lost their houses and received in most cases a smaller income than before, but they were free to seek other work. There were only twenty-six chantry priests in the whole county, most of them in the towns: seven in Oxford, two in Banbury, Henley, and Woodstock respectively, four in Chipping Norton, and the other nine in Burford, Thame, Witney, &c.; only six were in villages like Minster Lovel. The appendix giving the list of the twenty-six chantries and guilds which were in existence in 1548 is an excellent piece of work, principally from the Patent Rolls. Miss Graham has been at pains to supply the names and dates of the founders, which the parsons and churchwardens of 1548 had forgotten or at any rate neglected to return, though they were asked for them.

The bulk of the volume is concerned with what are called 'the Edwardian Inventories'. It would have been an improvement if it had been made more clear exactly which sets of inventories these are; indeed the only fault to be found with the arrangement of these documents is that they are not classified as clearly as in the corresponding *Edwardian Inventories for Buckinghamshire* in the *Alcuin Club Collections*, vol. ix. Excellent as the introduction to this volume is, it lacks the useful precision of Mr. Page's preface to the Northern Inventories published for the Surtees Society in 1897 (no. 97). There are, as Mr. Page made plain, four classes of such inventories, viz. the returns to the commissions issued to the bishops to survey the goods of the parish churches in 1547, the returns to the commissions issued to the sheriffs and justices of each county in February 1548/9, the returns to the commissions issued to some of the gentry in each county in May 1552, and lastly the returns made to the commission issued in January 1552/3 under which the bulk of the plate, jewels, and vestments was seized and the bare minimum of the requisites for worship left to the parishes. The inventories printed here are partly those of the third class, and partly of the fourth, but this is not made as plain as it might be; the two classes of returns are not divided from one another, but, as on p. 109, a return from Ewelme to the commission of May 1552 is immediately followed by a return from Marsh Baldon to the commission of 1553. It would have been better if the two classes of returns had been clearly separated from one another.

The returns to the commission of 1552 are not specially noteworthy; Miss Graham duly marks in her introduction such points of interest as they present. She has had the advantage of writing after the publication of Sir William Hope's and Mr. Atchley's definitive work on *English Liturgical Colours*, and the inventories printed here do nothing to modify, but merely enforce its conclusions. Unfortunately these inventories

cover only ninety-three parishes in the south and east of the county; those for the north and west are missing. The 1553 returns deal with sixty-six parishes; they show how harshly the commissioners interpreted their instructions, leaving in many places only the bells and one chalice. Occasionally it is noticeable that they left 'berying cloths' or 'herse cloths', and among the altar linen a 'hande towell' (as at Waterstock) for the *lavabo*, and 'two rochettes' besides surplices (as at Cuddesdon). They appear to have taken the patens, because their instructions permitted them only to leave 'one or two chalices'. In Buckinghamshire, on the other hand, the patens seem generally to have been left. The editor states that 'owing to the limits of space, it has not been found possible to print a series of supplementary documents to the Chantry Certificates and the Inventories'. It would have been an advantage if the character of these had been indicated, for it would be interesting to know whether there are any documents similar to those printed among the *Edwardian Inventories for Bedfordshire* (*Alcuin Club Collections*, vol. vi) which record the attempts under Philip and Mary to recover and return the pillaged goods. An interesting point in the chantry certificates is the endowment for a clerk 'for playing yerely at the orgayns and singynge in the quyer' (p. 22), for which he received as much as many a chantry priest.

The glossary appended to this volume is useful; it owes much, as the editor duly acknowledges, to the most valuable glossary in *English Liturgical Colours*. Occasionally where that guide is not at hand, it slips; thus 'Basen and euer' were not used for 'washing the hands of ministering clergy at the altar', but only for washing the fingers of the celebrant. Corporases, it is said, 'were kept in cases'; these are commonly known as 'burses'; and a pix was not a vessel 'in which the Eucharist was reserved', but a vessel in which the consecrated Host reserved from a previous Eucharist was kept. The term 'towel', it might be noticed, was used occasionally (as in Buckinghamshire) for a houseling cloth. Miss Graham explains the fact that almost all the inventories for 1552 bear the dates of 28, 29, and 30 July by supposing that these dates were written on to the headings of the list at a sitting of the commissioners before they began their visitation. The inventories of the 1553 commission are all dated either 17 or 18 May. In any case it is impossible that the commissioners could have viewed all the goods in these widely separated parishes on two or three successive days; but it is more probable, as Mrs. S. C. Lomas has shown was almost certainly the case in Huntingdonshire (in her introduction to the *Edwardian Inventories for that county*, *Alcuin Club Collections*, vol. vii), that the commissioners made their rounds of visitation first and that the indentures were drawn up afterwards. These are small points; the main fact is that the Oxfordshire Record Society is to be warmly congratulated on this beginning: the book has but one grave fault—its flimsy paper binding. The Alcuin Club have generously helped with the cost of printing the book by accepting the great bulk of it for their own series, and Mr. T. Craib of the Public Record Office, who has transcribed several of these inventories of church goods, generously gave his transcript of those for Oxfordshire to the Record Society.

*George, Third Earl of Cumberland, His Life and his Voyages, a Study from Original Documents.* By Dr. G. C. WILLIAMSON. (Cambridge: University Press, 1920.)

THE overthrow of the Spanish Armada was an event at once so dramatic and in its consequences so tremendous that historians have been often led to speak of it as conclusive. That, however, was far from being the case; and in 1589 both sides began to consider what move would prove most effective in the next round of the maritime game. Drake had far-reaching plans, but these were never seriously considered; for at Elizabeth's council-table rational strategy was, as a rule, dismissed from consideration as ruinous or foolish. Instead, England was committed to a less worthy and effective scheme which owed its peculiar shape to the subject of Dr. Williamson's biography. 'The noblest born of all the gentlemen adventurers' was the son of the second earl of Cumberland and Anne, daughter of Lord Dacre of Gillesland. Born in the year of Elizabeth's accession, he succeeded to the title in early boyhood, and at thirteen years of age proceeded to Trinity College, Cambridge, where he had Whitgift for his tutor and Dr. Caius, who refounded Gonville Hall, for his medical adviser. He learnt to dance, to play the cithern, and to shoot with the bow. He showed some aptitude for mathematics; in 1576 took his master's degree; and in the following year, though not yet out of his teens, married Lady Margaret Russell, the youngest daughter of his guardian, the earl of Bedford. Tall and handsome, proficient in all feats of strength and manly exercises, Lord Cumberland had only to appear before the queen to win her instant approval. He very wisely made it one of his first objects in life to retain his sovereign's good opinion. He plied her with gifts, 'pettycotes of white sarcennett embrothered all over with Venyce silver plate' and the like. When 'sweet-eyed Cynthia' dropped her glove, he picked it up reverentially, and powdering it with jewels, wore it in his hat, and challenged all the world to deny that its wearer was the perfect flower of womanhood. Thus arrayed, he is seen in the painting in the National Portrait Gallery, and in the even more remarkable miniature by Nicholas Hilliard which forms the frontispiece to the present work. In due time the queen made him her accredited 'champion', and his panoply is still happily preserved at Appleby Castle.

In quieter times Cumberland might have rested satisfied with the conquest of hearts at Whitehall and the pursuit of bucks across his wide estates; but in 1585 war with Spain broke out in earnest, and it behoved all gallants to be stirring. Cumberland became a privateer. One voyage had already been concluded and a second undertaken, when the Armada entered the Channel; and when the Armada was crushed at Gravelines, it was Cumberland's privilege to carry home dispatches. In the following year came the remarkable cruise which gave the war in its later stage the twist to which we have referred. Cumberland, suddenly descending upon the Azores, fared so successfully that henceforth England stood committed to commerce-destruction with the island group as its focal point. In 1590 the earl rested for awhile, but Hawkins and Frobisher repeated his experiment; and in 1591 Cumberland himself



played a significant part in the campaign which ended fatally off the island of Flores for Sir Richard Grenville and the *Revenge*. In 1592 the assistance of his ships in the capture of the *Madre de Dios* brought £36,000 to the family exchequer, which by this time was sadly depleted; and financial success encouraged the earl to put forth fresh endeavours. After the death of Drake, however, he took a more serious view of the war; and, resolving to 'plant a thorn in the Spanish foot', captured Porto Rico in the West Indies. The exploit was one of the most brilliant of the Elizabethan age, and deserved better than that the virgin fortress should be abandoned almost as soon as it was captured. But the age of Elizabeth was drawing to its close. On his return to England, Cumberland dutifully supported the Crown during Essex's rebellion, and was made a commissioner for the errant favourite's trial. On the accession of James, he won the royal favour by his sumptuous hospitality, and was admitted of the privy council. He died at the age of forty-seven in 1605.

All this, or most of it, has long been common knowledge, for Cumberland's deeds have been faithfully chronicled not only by Hakluyt and Purchas, but by that erratic and cross-grained genius Sir William Monson, who was bound to the earl by some indefinable tie, and whose *Tracts* form the earliest contribution of a naval officer to the literature of his profession. Dr. Williamson, however, has widely extended the range of original documents bearing upon Cumberland's career. The earl, it seems, in order that his voyages might be fitly commemorated, employed as scribe one Richard Robinson, of whom little is known beyond the fact that he was a friend of the poet Churchyard. Robinson's principal work, *The Nine Memorable Voyages made by the Rt. Hon. the Earl of Cumberland*, survives in manuscript at Appleby Castle, and there are replicas of the work at Lambeth Palace and in the possession of Lady Desborough. A composition by the same author, *An English Quid for a Spanish Quo*, having for its main theme the descent on Cadiz in 1596, survives in two copies, one in the royal collection, and another in the possession of Sir S. P. M. Maryon-Wilson. These were doubtless passed in review by the earl of Cumberland in person. After his death they were utilized by his daughter, Lady Anne Clifford, countess of Dorset, Pembroke, and Montgomery, as material for a more ambitious chronicle of her father's achievements. The resulting *Brief Relation of the Several Voyages*, completed in 1619, at present belongs to Mrs. Leveson-Gower of Bill Hill, near Wokingham. There is, in addition to an abridgement of this manuscript in the same ownership, a contemporary copy at Appleby Castle. Lady Anne Clifford, as Dr. Williamson has shown in a previous biography, was kept out of her father's estates for many years; and, when she was still battling for them, prepared in support of her claim three ponderous folio volumes of family records which recount all that could be discovered concerning the earl prior to 1653. Finally, in addition to these more formal compilations, Dr. Williamson has unearthed at Skipton Castle and elsewhere a series of letters from Cumberland's own hand, written in chief to his virtuous and talented wife, to whom, after an unhappy estrangement, he was reconciled on his death-bed. These epistles, which



have often taxed to the full the palaeographic skill of Dr. Williamson's assistants, throw more light upon the personality of the earl than upon the enterprises in which he engaged.

Relying upon such evidence, Dr. Williamson should have been able to offer the public a biography of absorbing interest. If he has not done so, the failure must be attributed very largely to Lord Cumberland himself. He was a bad correspondent, unable by himself to string two sentences together, and using his pen to convey requests and complaints rather than tidings or intelligence. A single quotation will serve to illustrate his literary style. 'My sweet Meg,' he writes to his wife,

sooth desire lack thee to write at large, as I wish, I must in few desire that he may at some times be thought of, who hath never any quiet till he return where he only is contented.

It may well have been difficult to reject epistles that entailed so much toil to decipher. Yet many of these letters are hardly worth the printing.

The book, however, suffers from another drawback more detrimental than dullness. In spite of Dr. Williamson's belief in his versatility, Lord Cumberland was first and last a seaman. The new material, illustrating the maritime side of an eminent sailor's career, demanded therefore a treatment more severely nautical. Two alternative methods suggest themselves, and either of them might have been adopted with profit. The new documents could have been published in full, or the substance of the new discoveries could have been collated with the statements of Wright, Linschoten, Purchas, and Monson, and an entirely new narrative of the voyages prepared. Dr. Williamson has adopted whole-heartedly neither the one course nor the other. He has given us in full the accounts by Robinson of the eighth expedition and the twelfth; but these only serve to whet our appetite for what he has suppressed. When we read the earl's own description of the capture of Porto Rico (pp. 222-3), and Robinson's graphic account of the cutting out of the *Cinque Llagas*, we grow dissatisfied with Dr. Williamson's abstracts of proceedings, more especially as such summaries (if they are to be adequate) require a wider knowledge of naval history than Dr. Williamson possesses. One example will suffice to illustrate his editorial deficiency. On p. 103, referring to the *Madre de Dios*, he writes :

The whole episode may be said to have been somewhat undignified, the Queen and the courtiers all quarrelling over the plunder which was won from Spain by sheer piracy. The people gained no special advantage, for the avaricious monarch seized the bulk of the wealth.

As a matter of fact, there had been open warfare between England and Spain for seven years, and the capture of a hostile carrack was therefore a perfectly legitimate operation. The money for the expedition, moreover, was not granted by parliament, but was drawn from private purses; and the people of that date were therefore no more entitled to share the prize-money than the general public of to-day are entitled to dividends in commercial enterprises to which they have not subscribed.

Nevertheless, Dr. Williamson's book is one which (for the documents reproduced) no student of Cumberland or the Elizabethan war with Spain can possibly afford to ignore. There are one or two typographical

errors : ' Ires ' on p. 78 should be written in full or else should retain the abbreviation mark ; ' Xpofer ' on pp. 178-9 should retain the sacred monogram or be written ' Christofer ' ; and *Six Dialogues about Sea Service* on p. 314 should be credited to Nathaniel Boteler.

GEOFFREY CALLENDER.

*John Robinson, Pastor of the Pilgrim Fathers.* By WALTER H. BURGESS.  
(London : Williams & Norgate, 1920.)

WHEN Mr. Alexander Gordon wrote of Robinson in the *Dictionary of National Biography* he had to leave it an open question which of three namesakes and contemporaries was the Leyden pastor. Mr. Burgess has made it almost certain that he was fellow of Corpus Christi College, Cambridge, so furnishing another illustration of the resemblance between the Cambridge church movement of the seventeenth century and the Oxford movement of the nineteenth ; each was led by young fellows of colleges, and each ended in a violent separation, for the breach between Newman and Pusey was not deeper than that which divided such separatists as John Robinson and John Smith from normal puritanism. Mr. Burgess, in some touches concerning Robinson as a Cambridge man and a churchman, shows himself unfamiliar with university and ecclesiastical matters. For instance, when Robinson is described in his college register as *sacerdos* he says that the description ' points to his having by this time taken up some regular duty in the church of England while still holding his fellowship '. It simply means that he had been ordained priest in the usual course, no doubt on the title of his fellowship ; and it is strange that Mr. Burgess, who has diligently sought through registers of wills and other more or less recondite sources, has not taken the trouble to consult the bishops' registers, which are neither numerous nor inaccessible, for so important a date in Robinson's life. But he has fallen into no serious error, though he has not seized every point of interest.

In the will of Robinson's father John, the eldest son, is almost disinherited as regards personalty. Since there is no reason to suppose ill will on the father's part, we may guess that the son was to inherit freehold or copyhold estate, which for some reason was not mentioned in the testament and which might still be traced by inquiry. The Robinsons were of a substantial yeomanry family, connected with the smaller gentry, in the region of north Nottinghamshire where separatism sprang up, and John Robinson married a wife from a family of the same class in the same district. There was money on both sides, and this probably enabled him to marry without waiting for a living ; Corpus was a small college with few benefices in its gift. After holding his fellowship for seven years he went with his wife to Norwich, to act as assistant, paid by the parishioners, in the very puritan parish of St. Andrew's. He had imbibed, and retained till his death, the strict dogmatic Calvinism of his day, and with it the Calvinist notion that a Christian nation should have a national church. This church existed, very imperfectly reformed, in England, and Robinson had troubles, like many others, with his bishop over the nonconformity which he regarded as his duty. But he advanced from

this position to the notion of separatism, according to which a Christian was bound to communicate only with a selected 'church'; though Robinson, more tolerant than some, held it lawful to listen to orthodox preachers who remained within the national church. His first controversy was with such, and since this volume was published Mr. Champlin Burrage has printed from a Bodleian manuscript an answer by an anonymous 'puritan friend' to a lost argument of Robinson's in justification of his withdrawal from St. Andrew's. Such believers in a national church held that, even though silenced by their bishop and bound in conscience not to conform to its ritual, the clergy ought to maintain their membership and abstain from any action that would tend to the breach of unity. Mr. Burgess unfortunately has misstated this point of view, and there is rhetoric in his book, aimed at what he calls an 'Anglican priesthood', which is equally relevant against the kirk of Scotland and the great majority in the Westminster Assembly. Nor does he fairly state the case against the Canons of 1606. They did not exist by mere royal authority. They were the work of convocation, and the king's signature gave them the same force which it gave to an act of parliament. Convocation and parliament, each in its own sphere, were co-ordinate authorities, neither of which could interfere with the other, and both of which could legislate, their decisions being validated by the king. Such, at least, was a theory widely held among serious people; and many of those who resented the shape which church legislation took would have been quite content with the authority behind it had its substance satisfied their own desires.

Happily, when he reaches the migration to America, Mr. Burgess distinguishes clearly between the 'Puritans' who impeded the exiles and the Separatists themselves. For the book does not confine itself to John Robinson and his views. It gives an admirable account of the congregation from Scrooby and its neighbourhood which seceded to Amsterdam in 1607, rather in the search for purity through isolation than from fear of persecution. It tells the history of the principal members before their arrival in Holland, and then narrates their departure, after a few months, to Leyden. They had been preceded to Amsterdam by no fewer than three English congregations of different shades, and harmony was imperfect. The fortunes of the colony at Leyden, where all were of one mind with their pastor Robinson, are fully told. We learn what industries they followed, what marriages they contracted, what houses they rented and built. They were drawn inevitably into the controversies which raged among the Amsterdam separatists and among those who had remained in England. These, with the wise efforts of Robinson to appease them, are all fully described; and we are told a great deal about John Smith, fellow of Christ's and 'Se-Baptist', the most interesting figure in the group, who departed further than Robinson from what the author calls 'the beaten path of conformity'. We learn all about the separatist press set up at Leyden, which excited the anger of King James, and the considerable position attained by Robinson among the divines of the university. And finally there is a very full account of the proceedings before the emigration to America, the hiring

of the *Mayflower* and so forth, and of the obstacles set to the departure of Robinson himself by the puritan capitalists who financed the expedition. They did not wish separatism to be established on a shore where Englishmen must inevitably soon make homes, for it was already frequented by our fishing vessels. How resolute the first settlers were to maintain their exclusiveness appeared when emigrants landed who wished to use the Prayer Book. They were shipped back by the first returning vessel. Yet the colonists from Leyden were soon to form a part of the established church of Massachusetts, and it is quite in accordance with the normal development of thought that the church they founded at Plymouth and that which may best claim a connexion with them in England, a congregation at Gainsborough, are both Unitarian to-day. Though Robinson failed to reach America, dying at Leyden in 1625, some of his family, whose history is carefully traced, joined the colony, and he has descendants in New England. The story is an austere one, and is austere told with occasional touches of censoriousness. But the life is that of a good and resolute man, and worthy of the labour that has been spent upon it.

E. W. WATSON.

*Dupleix et l'Inde Française, 1722-41.* Par ALFRED MARTINEAU. (Paris : Champion, 1920.)

M. ALFRED MARTINEAU, at one time governor of the French establishments in India, has planned an exhaustive study of the life and work of Dupleix from primary sources, hitherto, for the most part, unpublished. The documents laid under contribution consist of the correspondence of Dupleix himself preserved in the Bibliothèque Nationale and the Bibliothèque de l'Arsenal, the correspondence of the council of Pondicherry with the subordinate council of Chandernagore, and various other less important papers in the records of the French settlements in India. This first instalment—a volume of 534 pages, to be followed by two more—is concerned with the first nineteen years of the Indian career of Dupleix, that is to say, with the day of comparatively small things, and with the setting of the stage on which the drama of Anglo-French conflict in the East was to work itself out. Clear and well-digested summaries are given of the constitution and organization of the French Company, its factories, methods of trading, statistics of its commerce, whether it be the export trade to Europe, the trade 'of India in India', or the private ventures of its servants, and, for the years 1731 to 1741, a detailed account is presented of the shipments both to European and eastern ports.

Down to 1741 the ambitions of Dupleix were centred in proving himself an efficient and zealous servant of the Company, and securing for himself a fortune that he might be enabled to retire in affluence or at least in comfort to his native country. He had not, until some years after the terminal date of this volume, any prevision of the great destiny, chequered with triumph and disaster, which the future held in store for him. These earlier, afford some curious contrasts with later, years. M. Martineau shows that the man who was afterwards regarded as our bitter and irreconcilable foe lived on the most friendly terms with his

English rivals in Bengal. This *entente* was something more than the eastern reflexion of the peaceful policy in Europe of Fleury and Walpole. It was partly also due to the statesmanlike conviction of Dupleix that the European nations in Bengal would gain if, in their relations with the Mohammedan government, they could develop a certain international solidarity. All his influence therefore at this time was in favour of a cordial understanding between the English, Dutch, and French. He summoned conferences of the representatives of all three nations to his country house at Chandernagore, he interchanged visits with Braddyl, president of Fort William, and he took the servants of the English Company into partnership in his private trading ventures. In these years he formed a sincere friendship with Godehen, who was destined to succeed him at Pondicherry and earn his undying hate. As governor-general he deliberately decided to sink the commercial and foster the military and political aspect of the Company's administration, but in Bengal he flung himself eagerly into the task of converting his settlement into 'the veritable commercial metropolis of the French possessions in India'. 'Chandernagore', he wrote, 'is my child. I have formed it and made it all that it has become.'

Yet it was circumstances that altered and not his character. There are many premonitions of the better known Dupleix of history. His enmity with La Bourdonnais dates at least from 1735, before they had come into real personal contact. 'La vivacité et la pétulance du sujet', he wrote, 'me le font craindre.' He proved a turbulent and quarrelsome subordinate to both Lenoir and Dumas, his predecessors in office at Pondicherry. As the French authorities at home afterwards complained that they were left to hear the news of French disasters from Dutch news sheets and English dispatches, so we find the council of Pondicherry declaring that they had to seek from Madras tidings of important events at Chandernagore. Even when his interests were almost entirely commercial and largely self-centred, there flared up in Dupleix on occasion a sudden spark of ardent patriotism, as when he suggested to his superior that in their relations with Indian powers they should not confine themselves, as they had so often done, to speaking of the Company without even pronouncing the name of France.

The real Dupleix was first portrayed and his work first critically estimated in Prosper Cultru's brilliant sketch published in 1901. The general truth of Cultru's estimate is corroborated by almost every page of M. Martineau's more detailed and exhaustive work. How far, when he comes to deal with the period after 1741, his researches will lead him to accept or challenge that estimate, the subsequent volumes will show. So far, at any rate, the presentations of the two writers are in general agreement. In his concluding pages M. Martineau analyses the character of his subject with rare subtlety, insight, and detachment. He does not attempt to minimize its repellent features, the restless egotism, the eager craving for praise and recognition, the undignified clamour for trivial distinctions which made India and France to resound with the protestations of his injured vanity. 'Born at the dawn of the eighteenth century,' writes M. Martineau, 'which gave lustre to our history but compromised our

destinies, he never knew its winning charm or its perilous sophisms.' For all his success in Indian diplomacy, he lacked finesse, grace, and wit. There was a certain matter-of-fact brutality about his outlook, a roughness and heaviness about his humour, a crudeness in his vanity that was absolutely disconcerting. Yet his great qualities are sufficiently clear. None would deny him vigour, courage, and tenacity. The very pride that in some of its manifestations was so unlovely was based upon a certain rough-hewn integrity of soul. His hauteur was sustained by a self-respect which, in an age when standards were low and in a climate where licence was tolerated, preserved his private life from stain and reproach. His sense of his own worth, as M. Martineau says, was pushed to the point of infatuation; it alienated friendship and caused him to be in many ways a solitary figure isolated from the sympathies of his generation. Yet it gave him intellectually a driving and compelling power in the world of action, and morally it lifted him above the meaner and baser faults of human nature.

P. E. ROBERTS.

*Germany and the French Revolution.* By G. P. GOOCH. (London: Longmans, 1920.)

MR. GOOCH claims not unjustly to be something of a pioneer in his treatment of this subject. Even in Germany an equally 'panoramic survey' would be hard to find, while in English no one has previously attempted the task set himself by Mr. Gooch. His book will prove useful as an introduction to the subject, and, as the very numerous citations are practically all given in English, readers unfamiliar with German will be duly grateful. Scholars, for whom perhaps this book is less particularly intended, will regret this banishment of the German text; but the translations, even those in verse (for which Miss D. Henkel is mainly responsible), are in good style. With his copious extracts Mr. Gooch mingles skilful summaries of less important matter and comments which are usually sound, even though not very original. At p. 70 it is well said that

though the early stages of the French Revolution aroused sympathy and even admiration in Germany, there was neither the desire nor the capacity to imitate it.

Chapters i ('Before the Revolution') and xxii ('Conclusion') help to make the underlying causes plain; the former is especially well done, although Mr. Gooch scarcely achieves the lapidary brevity of Dahlmann, whose phrase 'Friedrich hinterliess eingeschulte Arbeiter, keinen Mann von Charakter' tells us so much in eight words. He rightly says at p. 207:

the two ruling conceptions of the eighteenth century were those of benevolent autocracy and cultured individualism; and in both Goethe remained to the end the child of his age.

He might have laid rather more stress, perhaps, on the third great conception, the sense of duty, which Kant did so much to intensify. Some of the best chapters deal with the less famous men, Gentz, Georg Forster, and, among the poets, Friedrich Hölderlin, whom Mr. Gooch has thus helped to make better known in this country. In passing he observed

that Hölderlin is more nearly a German Shelley than a 'German Keats', as Mr. Gooch, following some German critics, calls him. He has also points of contact with Wordsworth and Byron. In general the present volume confirms previous accounts. The statement (at p. 440) that 'the leaders of opinion' in Hamburg were 'fully competent to separate the gold from the dross of the Revolution' can scarcely be generalized for Germany as a whole, where to many the trend of events remained largely obscure and sentiment played the chief part. It is, in fact, true of the whole country that 'the death of the King aroused no less horror in liberal than in conservative circles'. Unswerving admirers of the Revolution were very rare; even of J. H. Voss, Goethe (in a significant review not cited by Mr. Gooch) wrote in 1804:

Auch ist in der Folge die Annäherung zum französischen Freiheitskreise nicht heftig, noch von langer Dauer; bald wird unser Dichter durch die Resultate des unglücklichen Versuchs abgestossen und kehrt ohne Harm in den Schoss sittlicher und bürgerlicher Freiheit zurück.

(This passage throws a good light on Goethe himself, the Frankfort *Bürger* and Weimar *Aristokrat*.) The *émigrés* are faithfully dealt with in the chapter devoted to 'The Rhineland', which is especially well furnished with documents, and nearly forty interesting pages discuss 'The Germans in France'. At p. 350 one may add a reference to G. G. Ramon's book on Dietrich.

Unfortunately this solid and important study has grave defects of design and execution. The chapters are arranged on three distinct *fundamenta divisionis* (temporal, personal, regional). This entails some overlapping in a work already somewhat overloaded, and perhaps the wiser plan would have been to imitate Julian Schmidt's method of following the phases of the Revolution throughout.<sup>1</sup> Again, despite his very wide historical reading, our author shows some lack of familiarity with a number of his more literary predecessors; at least one misses important references to Freytag, Dahlmann, Cassirer, Gundolf, Viktor Hehn, Harnack, and Minor (on Goethe), J. G. Robertson, M. Kronenberg, R. Lote (on Wieland), Morris (*Der junge Goethe*) and Gräf (*Goethe in seinen Dichtungen*), Nohl (*Hegels Theolog. Jugendschriften*), O. Walzel, A. Dove (introductions in the 'Jubiläumsausgabe' of Goethe and the 'Säkularausgabe' of Schiller), Böhm and Zinkernagel (on Hölderlin), and other writers. Richard Fester's essay on *Goethe und die französische Revolution*<sup>2</sup> is not cited; it goes deeper than our author's chapter and its method is exemplary. The gravest blot, however, on this painstaking but far from ideal study of the writers of the revolutionary period—later authors, including Georg Büchner, seem unhappily to be excluded by design—is the very strange arrangement of the chapters. To put Kant in the middle of the book, preceded by half the men he helped to mould, including 'the Romantic School', seems to argue a lack of the sense of evolution.

MARSHALL MONTGOMERY.

<sup>1</sup> See his *Gesch. der Deutschen Litt.* vol. iii, bk. 8, *Der deutsche Idealismus und die französische Revolution*.

<sup>2</sup> *Deutsche Rundschau*, Bd. clii, 1912.



*Recueil des Actes du Comité de Salut Public avec la Correspondance officielle des Représentants en mission.* Tome xxv. 30 Juin-28 Juillet 1795.

Publié par F. A. AULARD. (Paris : Imprimerie Nationale, 1918.)

THE Quiberon expedition forms the central subject of interest in the present volume. Although the landing had taken place on 27 June, the resolution of the committee of 1 July appointing Tallien and Blad *représentants en mission* to the departments of the west authorized them to take necessary measures 'pour empêcher la descente que les ennemis de la République veulent tenter et pour les vaincre s'ils l'effectuent'. It was not till they were at Alençon on the evening of 3 July that General Dubayet received from Hoche a letter dated 10 messidor (28 June) announcing that 'les Anglais débarquent en grandes forces à Carnac'. After their arrival at Hoche's head-quarters the reports of Tallien and Blad are few and meagre, and throw no light on Tallien's relations with Hoche or the *émigrés*. After a joint report sent on 16 July of a success for the Republican armies, with further details from the pen of Tallien next day, there is no further dispatch of any kind from either. On 23 July the committee reminded them that news was anxiously expected, and that a courier must be sent every other day, whether there was news of importance to communicate or not. By that time Hoche's victory was accomplished and Tallien was on his return to Paris. The silence of Blad remained unbroken.

The Quiberon expedition necessarily reacted on the other armies of the Republic. Although the committee had dispatched 1,200 reinforcements from the camp of Paris on 6 July and had ordered a further 10,000 to be sent from the army of the North, Hoche's success was not won without dangerously weakening Dubayet's army of the Côtes de Cherbourg and the local garrisons, particularly that of Nantes. The inevitable result, predicted by all the representatives to the departments and armies concerned, was the recrudescence of *chouannerie* to such an extent that by the end of July Nantes was practically isolated. The plan for the advance beyond the Rhine was abandoned for the time, causing, at any rate in the opinion of Merlin of Douai, an increasing pressure on the armies of the Alps and Italy, which necessitated the withdrawal of the right wing to a shorter and stronger line covering the department of Alpes-Maritimes. This army had not only suffered to a greater extent than any other from desertion, but, out of the 10,000 reinforcements ordered previously from the army of the Rhine, so many had been diverted on the way to quell the insurrections at Lyons and elsewhere that only 200 had reached Kellermann. On 19 July Chiappe reported that the two armies had only 35,000 effectives with which to oppose allied forces of 150,000 which were being constantly augmented. The same day the committee had instructed the representatives at Trévoux only to keep at Lyons such troops as were absolutely indispensable for the maintenance of order, now happily restored, and to send the rest as quickly as possible to Kellermann's relief, to enable him to hold out until such time as the further 10,000 troops ordered from the Rhine could arrive. The committee also sent 500,000 livres in foreign paper, the sum in specie not



being forthcoming. The army of the Alps, like every other army, had complained of the impossibility of negotiating the assignats of 10,000 livres except at a very great loss.

The reaction of the Quiberon expedition was least felt by the armies of the Pyrenees, though their sea communications, like those of all the armies operating near the coast, were interrupted by the British fleet. Moncey's army overran the province of Avala, took Vittoria, and pressed back the Spanish troops to Bilbao and beyond. These successes strengthened Barthélemy's hand in his negotiations with Yriarte at Bâle. In addition, the committee, finding that the Marquis d'Iranda had full powers to negotiate on the frontier, decided to send Servan, under the guise of inspector-general of the armies of the Pyrenees, to treat with him at Bayonne. The peace was in fact signed at Bâle on 22 July, nearly a week before Servan reached Bayonne, but as the news did not reach the committee till 29 July no reference to it appears in the present volume. Cheered, no doubt, by the imminence of the harvest, the civil population, except in the south, appears to have been moderately peaceable and contented during July. But in what was formerly Provence, the white terror was by no means at an end. Four deputies were sent on mission to the departments of Vaucluse, Var, and Bouches-du-Rhône, and Boursault reported from Avignon that 'la Révolution n'a dans le Midi enfanté que des crimes'. M. A. PICKFORD.

*Andreas Frederik Kriegers Dagbøger 1848-80.* I Bind, 1-10 Bog, 1 January 1848-31 December 1858. Udg. af ELISE KOPPEL, AAGE FRIISCOM, P. MUNCH. (Copenhagen and Christiania: Gyldendalske Boghandel, 1920.)

ANDREAS FREDERIK KRIEGER (1817-93), son of a Danish noble and his Norwegian wife, professor of law and holder of many portfolios, was one of those grave, sincere, and public-spirited nineteenth-century Scandinavians whom it is a privilege to know through their works. In this case the privilege is one of doubtful legality, for when Krieger entrusted to his friend A. D. Jørgensen the historical materials which were the fruit of many years' labour, it was with the petition that they should be read by him and then destroyed. This last was perhaps too much to ask of the national archivist, and we must be grateful for the series of arguments and decisions which has now resulted in the publication, at the expense of the Carlsberg Trust, of the first of some seven volumes of excerpts from an historical source of unquestionable value. Madame Koppel represents the heirs of Dr. Jørgensen; her colleagues stand for what is best in Danish historical science; and the work, when complete, will doubtless be prized as a notable contribution to the history of a generation.

For the present, we have an instalment of the so-called diaries in which 355 printed pages cover eleven years, and the only notes are those which Krieger himself thought it necessary to add. Book i, for example, deals with the preliminaries to the new constitution of 1848, and was in great part compiled from the archives at an undetermined later date. It embraces

some three weeks in March and April. Book ii is a similar survey from 11 November 1848 to 1 July 1851, while book iii contains prospects and retrospects from January to June 1849. First the author and then the editors have suppressed much of the written text, and the editorial comments on what is now printed will appear only at a later stage. Meanwhile the interest of a foreign reader, even in what concerns his own country, is held somewhat in suspense. In September 1858, for example, 'Elliot . . . could not believe in Ward's nomination as Consul-general in place of Hodges. In any case England now knew how it will be regarded if Prince Albert's influence reached so far' (p. 335) constitutes one of many passages, the value of which must depend largely upon authoritative annotation.

Krieger, for all his caution, reveals himself as a dry dispassionate man, somewhat severely critical of mankind, and especially of his own colleagues, and lacking perhaps in the force and imagination necessary to make his cool wisdom effective. The reader feels that of him it might be said, as of his famous contemporary, that the largest fidelity to a trust was the life-blood of the man. His judgements both of men and of events have not lost interest. Thinking of France, on New Year's Day 1849 he declares that

the struggle which some hold peculiar to limited monarchy, viz. between Crown and chamber and between parties, is founded deep on the nature of man and of the state. Unity is possible by way of royal absolutism or the despotism of the Convention: there must be two parties in a state, or none at all, or one party and a guillotine.

Ten years later he describes Bismarck as extravagant (in his ways); with great influence over Prussian policy, which he usually shapes in Frankfort without instructions; and with a far wider and higher vision than most other Germans—witness his idea of an alliance between Germany and the Protestant north. Looking back to Cavour's visit to Napoleon at Plombières (21 July 1858) he observed, 'The new Europe was founded at this meeting'.

Krieger is occasionally anecdotal, provided that the anecdote is not his own. In March 1858, 'H. Hage told me of Oxholm that he wanted to offer payment to *The Times*, and that therefore Delane always turned his back on him in company'. In June, 'Campenhausen praised Prince Gortschakof's great power of work; he could dictate political dispatches to three secretaries at once; he received reports from his ministry from 5 to 9 a.m., slept only 3½ hours at night and an hour at midday', &c. But the main threads of such record of the decade as is here provided are four in number—the new constitution, the king, the duchies, and the pan-Scandinavian idea. The Fundamental Law which, to the mute horror of the Swedish court, made Denmark a constitutional state, developed party strife in which the author played his part as actor, chronicler, and critic. Internal and external difficulties alike were increased by the character of the king. Again and again Krieger reverts to themorganatic marriage which Frederick VII extorted from his ministers by threatening to drink himself to death. At times his weakness was pitiable, as when (14 May 1858) he was inhibited from spending 1,600 dollars on an antiquarian collection. At other times it was ludicrous, as when the king, compelled to appoint

a bishop whom he disliked, wrote out his abdication. That crisis was happily overcome by a suggestion of ale, in which the royal wrath was quenched. But the defects of the ruler were the more palpable when Denmark was entangled in the Slesvig-Holstein question and intermittently deluded by the phantom of Scandinavianism. They were, in part at least, the cause of her delay in grasping the problem until it had become insoluble by herself alone. Under 11 March 1857 Krieger notes, while the kings of Denmark and Sweden were briskly corresponding,

Mauteuffel found the Scandinavian dreams incredible; 'the end of the story would be that Prussia would have the pleasure of seeing an English or Russian fleet stationed in the Great Belt.'

As for the Slesvig-Holstein question, which was being litigated by arms in 1848 and in 1858 had long seemed on the verge of a new appeal to force, it is noteworthy that Krieger's records tend to exonerate both England and France from blame for the final catastrophe. A British foreign secretary frankly confessed his inability to fathom the question, and 'the old *Times* clique' was reported in 1858 as pronouncing Slesvig intelligible but the German Holstein question impossible. But again and again Denmark was warned of her danger and, as history has proved, sound advice was offered, while both powers separately indicated their inability to give armed assistance. This, however, is a topic upon which far more light will doubtless be thrown by the next volume of this interesting work.

W. F. REDDAWAY.

## Short Notices

The readers of Ferrero's *Grandezza e Decadenza di Roma* will know what to expect when they open the volumes of *A Short History of Rome*: vol. i, *The Monarchy and the Republic*; vol. ii, *The Empire* (New York: Putnams, 1918, 1919), which appear with his name and that of Signor Conrado Barbagallo; or rather, they will know that it is the unexpected which is likely to meet their eye. And in this they will not be mistaken, since outside the period covered by the earlier work Ferrero is far from lavish of the brilliant paradoxes which always arrested (and sometimes repelled) his readers. He is on the whole conservative in this treatment of the earlier period. Polybius' date for the first treaty between Rome and Carthage is accepted; the agrarian law of Licinius and Sextius is maintained to be genuine: above all, the timocratic constitution of Servius Tullius and the scale of assessments are assigned to the traditional date. Only now and again do we rub our eyes, as when we read (p. 66) that in the fifth century B.C. 'the courts of the Etruscan houses expanded into Greek peristyles whose walls glowed with the many-hued marble incrustation which in the future was to face the interior of the buildings of the Hellenistic East'. Otherwise the narrative presents few points for comment beyond occasional omissions; for instance, there seems to be no reference to the end of Hannibal. When we come to the period which Ferrero has already treated on a larger scale, we naturally find his well-known views reproduced: yet here again condensation has sometimes been carried rather too far, e.g. the *Lex agraria* in part preserved to us is not mentioned in the telescopic version of the legislation by which the reforms of the Gracchi were rendered nugatory; while it might be inferred from a statement on p. 270 that the proposer of the *Lex Acilia de Repetundis* acted quite independently of Gaius Gracchus (the correct view is stated in the larger work). After the 'Augustan republic' has been treated on Ferrero's well-known lines, the story of the empire is somewhat baldly recounted; and it can hardly be said that justice is done to the research of the last quarter of a century. Pfitzner's *Kaiserlegionen*, a discredited work, and Otto Hirschfeld's *Untersuchungen* of 1876 (completely superseded by his *Kaiserliche Verwaltungsbeamten* of 1905) are amongst the authorities cited. The offices of the *a libellis*, *ab epistulis*, and *a rationibus* are not, as we might expect, mentioned in the account of Claudius, but must wait for Hadrian. The invention of the titles *vir egregius* and *vir perfectissimus* is ascribed to Septimius Severus; this is certainly wrong in the first case and doubtful in the second. The same emperor, we are told, was 'the first . . . who set up a system of

administration for his private fortune and appointed *procuratores privatarum rerum*. This statement is, to say the least, highly controversial. Still, the main outline is firmly drawn, if with some lack of picturesqueness: surely Antinous deserved at least a mention? The misspelling of names is a serious blemish: this may perhaps be in part due to the translator, for we can hardly suppose that the authors would have passed 'Ananes' (for 'Anauni'), 'Salonius Julianus', and the like. Italian forms survive in a large number of instances—Rossolani, Jazigi, and so forth. What was the original of 'those guilty of adultery were declared *iudicia publica*' we do not venture to guess.

H. S. J.

We have nothing but praise for Dr. Newport J. D. White's small and scholarly volume on *St. Patrick, His Writings and Life* (in *Translations of Christian Literature*, series v) (London: Society for Promoting Christian Knowledge, 1920). Dr. White had previously given us in the *Proceedings of the Royal Irish Academy*, xxv, c, no. 7, an equally excellent edition, with collation of manuscripts and with translations of the Latin writings of St. Patrick, the *Libri Sancti Patricii*, i. e. the *Confessio*, and the *Epistola ad Coroticum*, generally so called. In addition to these, he has in the present volume added translations of the famous *Lorica* of St. Patrick (p. 64), of the *Dicta Patricii*, and of the most ancient life of St. Patrick now extant, viz. that by Muirchu-Maccu-Machtheni. In each case the English text is accompanied by introduction and notes, which elucidate and explain the uncertainties and difficulties of the texts themselves, the incidents which they record, and the persons and places named. But while Dr. White mentions the difficulties fully, he wisely refrains from dogmatically solving any of them; and it may be doubted if they ever will be solved. Where such experts as Dr. Whitley Stokes, Dr. Bury, and Dr. White have not succeeded, besides many more who might be named, who can venture to hope for success? We refer to such points as the identification of Bannavem Taberniae, the birthplace of St. Patrick, and of the locality of his six years' captivity in Ireland; the difficulty of filling up the continental gap in St. Patrick's life, 411/12-32. Did he during that time go to Rome? Was his religion due to papal origin and forethought? On these and other points the evidence *pro* and *con* is impartially given, and the reader is left free to draw his own conclusions.

F. E. W.

To the *Weltgeschichte* appearing under the editorship of Dr. L. M. Hartmann has been added Dr. S. Hellmann's *Das Mittelalter bis zum Ausgange der Kreuzzüge* (Gotha: Perthes, 1920). It is a good handbook which may be recommended to teachers and will be found suggestive by historical scholars. The author's point of view will doubtless not be accepted by all his readers. He treats the early middle ages mainly as the period of the development of the Frankish state system and of the gradual reaction of the west upon the east; but the possession of a single point of view is in itself helpful in surveying such a complicated wealth of material. Again, his method is analytic rather than descriptive; he is not a narrator; but at the same time he has an eye for concrete and

significant detail and is not led away by abstractions. For example, his analysis of feudalism and of the rise of towns, though not picturesque, is realistic and informing. In general, he is at his best when he discusses the play upon each other of political and economic influences, as in the rise of social classes, the growth of trade, or the eastward expansion of German civilization. The treatment of spiritual movements and of the great literary revivals is so incidental as to be perfunctory. Dr. Hellmann's view of the range of the mutual relations between east and west is limited. The history of the kingdom of Sicily is a test case. Dr. Hellmann naturally lays stress upon its importance, and rounds off his book with a chapter on Frederick II, yet he is indifferent to the very great significance of the Sicilian state as a centre of artistic and literary influences. His general point of view is too Germanic, and his bibliographical notes suggest that he has been content to follow the lead of two or three groups of German scholars. Yet, within its limits, this is a good book which should not be neglected. F. M. P.

The inaugural lecture of Mr. A. J. Toynbee as Koraes Professor of Modern Greek and Byzantine Language, Literature, and History, published, with a foreword by M. Gennadius, under the title *The Place of Mediaeval and Modern Greece in History* (London: Privately printed, 1919), is a study of the resemblances between the histories of eastern and western Europe in medieval and modern times, severely criticizing the 'traditional view'. This, we are told, derives from Gibbon, and has now been challenged by more modern writers: it is that to the dark age in the west before the eighth century there was no corresponding period in the east; the dark age of the east was the period beginning in 1453. Having stated the traditional view in this way, the lecturer finds no difficulty in demolishing it, and then passes on to develop the idea that there was in the east between the sixth and the eighth century a 'dark age' and a change comparable to the contemporary events in the west. From this period of change the medieval and modern Greek culture sprang, just as the end of the dark age in the west was the beginning of the modern culture of western Europe. In the brief space at our disposal it must be enough to say that even holders of the 'traditional view' see a wide difference in historical import between the fall of old Rome and the fall of new Rome, and that, however attractively Professor Toynbee sets out his theory, he has exaggerated the breach in continuity formed by his dark age in the east. A second point of the lecture is that the Ottoman domination was 'less of a break than it is traditionally considered'. R. M. D.

Mr. H. C. Lea spent a long life in mastering the history of the inquisition, and the results of his fruitful labours are embodied in many volumes. There is need of a short book criticizing the American historian's conclusions in the light of recent research, and such a book Mr. A. S. Turberville has given us in his *Mediaeval Heresy and the Inquisition* (London: Crosby Lockwood, 1920). He has taken trouble to read some of the original documents, he has studied the new monographs with care, and he has thought out his remarks with insight. The outcome is a volume

pregnant with suggestion on a many-sided subject. At first we wondered if the scheme of the author really permitted him to include his chapters on Averrhoism, Wyclifitism, and Husitism, but his arguments convinced us. Perhaps the two best chapters on medieval heresy are those which discuss 'the everlasting gospel' and the ideas associated with the reform movements of the fourteenth century. These chapters—and indeed the whole book—are well furnished with documents, and the references to modern works prove that the author has kept abreast of the ideas of the investigators of the last thirty years. The survey of the thought of Joachim of Fiore is succinct, yet all the essential matter of a man who left a deep mark on the thought and the feeling of his day is set before us. The parallel drawn between Mazzini in his *From the Council to God* and 'the everlasting gospel' is suggestive. The tendency to use modern instances is not overdone. The second part of the book is entirely concerned with the Inquisition proper, and here we think that Mr. Turberville has crossed the t's and dotted the i's of Mr. Lea's *magnum opus*. There is a thoughtful account of the attitude of the church towards heresy before the institution of the inquisition, and the beginnings of the new body are clearly given. Mr. Turberville is plainly right in pointing out that a large part of the work of the inquisition in the twelfth century lay in the preservation of law and order. The state was unable to discharge this part of its duty, and the church undertook it. It is now obvious that the Waldenses, for instance, threatened by the spread of their doctrines to overturn the civilization that was beginning to appear. If there was to be any progress, it was inevitable that the Waldenses must be persecuted, and accordingly persecuted they were. R. H. M.

In view of the important revelation in the letter of John Walwyn, printed by Dr. Tanqueray in a former number of this Review,<sup>1</sup> of Edward II's escape from Berkeley Castle, a fresh examination into the whole mystery of the king's death is particularly welcome. Professor Tout in *The Captivity and Death of Edward of Carnarvon*, reprinted from the *Bulletin of the John Rylands Library*, 1920, has undertaken a careful investigation of the evidence. Some facts are verified, some new details are added, but the mystery still remains unsolved. The success of the Dunhead conspiracy resulting in Edward's escape was, Mr. Tout conjectures, the cause of the king's death. He was soon recaptured, and to avoid further risks was quietly put out of the way. Yet Mr. Tout also sees some justification for the widespread belief that Edward did not after all suffer death at Berkeley, that there may be some truth in the story that he escaped altogether, and another—perhaps the prison porter—was buried in state at Gloucester. In an appendix is printed from the *Coram Rege Rolls of 5 Edward III* a record of the appeal of Howel ap Gruffydd against William of Shalford which seems to contain definite evidence of Mortimer's responsibility for the crime. A. L. P.

Carlo Cipolla unfortunately died before his edition of the *Opere di Ferreto de' Ferreti* could be completed. His close friend Monsignor

<sup>1</sup> *Ante*, xxxi. 119.

Domenico Bortolan has assisted the Istituto Storico Italiano in the publication of the third volume and the preface (Rome: Istituto Storico Italiano, 1920), which latter may be bound up with the first. The preface consists of Cipolla's notes with some degree of arrangement, but is clearly not a finished work. It is claimed for Ferreto that he was the first of a new generation of Italian men of letters to study Dante, and to make honourable mention of him; whether he knew the *Paradiso* is left uncertain. Ferreto is well informed on Tuscan matters, for many of the Ghibelline and white exiles frequented Verona and Vicenza. The third volume contains the poem 'De Origine Scaligerorum', the disputable fifth book of which Cipolla, as opposed to Zanella, is disposed to attribute to Ferreto. It has also some minor poems relating to the death of Benvenuto Campesani, the Vicentine poet, and fragments from the collections of the chronicler Pagliarini (c. 1460). Among these are the first lines of a poem by Ferreto on Dante's death. These have attracted much notice, because they give the date as 13 August, instead of July according to Villani, and September on Boccaccio's authority. Ferreto's date has certainly the priority in point of time, and his source of information was probably good. The index has been excellently compiled by the Cav. Romolo Ducci. The list of all authors quoted in Cipolla's notes, with references to their book or articles, will be of much bibliographical value to students of the period.

E. A.

The appearance of the first volume of Professor Albert Büchi's edition of the *Korrespondenzen und Akten zur Geschichte des Kardinals Matth. Schiner* (Quellen zur Schweizer Geschichte. Basel: Geering, 1920) is an important event in historical studies. Schiner, or as he used to be called Schinner, is one of the vivid personalities of his age, and an adequate biography of him has long been wanted. The difficulty has been that most of the material was still in manuscript, and very widely scattered. Of the 500 letters and documents published here, from the years 1489 to 1515, something like three-quarters have never been printed before; and they are gathered from very many sources—most of the archives of Switzerland and northern Italy, 25 in all, Rome, Innsbruck and Vienna, Lille, London, Paris, and Madrid, not to mention those which yielded nothing to the searchers. For an undertaking of this magnitude many hands have been needed. The work began with the Jesuit, Father Joller, professor at Brieg, who died in 1893; was carried on by Dr. Ferdinand Schmid and Professor Reinhardt, both since dead; and now the first volume has been brought to completion by Dr. Büchi after long and patient preparation. It covers about half of Schiner's time of prominence, which may be taken to begin with his first nomination to the cardinalate in 1508; the second volume, which is to follow, will be occupied with the remaining seven years until his death in 1522. Before 1508 about a hundred documents are printed. The material contained in this volume is almost entirely political, Schiner's negotiations with the Swiss against the French forming the principal subject of interest. Many briefs from Leo X are printed here for the first time; and letters from Henry VIII's state papers, which Brewer epitomized, are given here in full. An item of literary interest is a letter



from the burgomaster of Bâle recommending to the cardinal the printer Froben, who is about to undertake an edition of Jerome: dated 3 August 1514, about a fortnight before Erasmus's arrival to take part in it. An excellent facsimile of one of Schiner's letters raises some doubt whether the editors' skill in decipherment has been equal to their industry in hunting out letters and documents. Besides a number of words completely misread—some of which are put right in the corrigenda at the end—the dates of place and time, 'Rauennæ 13 martii 1512', appear in the text as 'favente Sancta Sede'. An explanation of such lapses is probably to be found in the joint authorship. Dr. Büchi has no doubt been obliged to use the work of his predecessors without opportunity to revise it; and obviously, when originals are scattered over so many different libraries and archives, it cannot have been easy to examine undecipherable documents as often as may be necessary to get out the puzzles. But future editors of a new Ducange will need to be on their guard against accepting without further examination some of the unusual words which appear in autograph letters of Schiner, whose hand, it must be admitted, is decidedly difficult. In spite of this defect, however, there is a great deal of important material printed here for the first time; and the second volume will be eagerly awaited.

P. S. A.

MM. Bourrilly and Vindry are to be warmly congratulated on having completed their admirable edition of the *Mémoires de Martin et Guillaume Du Bellay* (Paris: 1908–1919) for the Société de l'Histoire de France, of which volumes i and ii have been already noticed in this Review.<sup>1</sup> Volume iii was published in 1912, and volume iv in 1919. Volume iii contains books vi–viii, of which books vi and vii are by Guillaume and book viii by Martin. The difference in treatment is shown partly by the fact that whereas Guillaume's two books comprise only the short period from April to August 1536, Martin's one book carries the history down to May 1540. It is true that Guillaume has more matter to deal with, namely, the preparation for the invasion of Provence by Charles V and the actual invasion. On 13 September Montmorency's defensive tactics compelled the emperor to retreat; an armistice was concluded in November 1537 and a truce was arranged in the following June. For book viii Martin is able to avail himself of letters and other documents collected by his brother. His account of the famous siege of Péronne is reproduced from a contemporary *plaquette*, which is also utilized in the compilation known as the *Cronique du roy François premier*, and the long account of the assassination of the two French envoys, Rincon and Fregoso, which led to the outbreak of the third war (ix. 3–53), is illustrated by letters and memoirs from the same source. From July 1542, that is to say from the middle of book ix, Martin is left to himself, and henceforward, instead of history, we have pure memoirs, that is to say a simple record of the writer's experiences—the experiences of a soldier. His account of the confused battle of Ceresole (Cérisoles), in which he played a not undistinguished part, may be compared with that of Monluc, who also did good service on that occasion. A valuable introduction, dealing chiefly with

<sup>1</sup> *Ante*, xxvi. 627.

the life of Martin, who was governor of Turin from 1539 to 1542, and deputy lieutenant-general for Normandy from 1551 to his death in 1559, is prefixed to volume iv. It was probably in 1556 that the *Mémoires* were completed, but they were not published till 1569, under the supervision of René Du Bellay, Martin's cousin and son-in-law. A. T.

The *Tractaet van Dyckagie* of Andries Vierlingh, edited by Dr. J. de Hullu and Ir. A. J. Verhoeven for the Rÿks Geschiedkundige Publicatiën (The Hague : Nijhoff, 1920), is a peculiarly Dutch book. It is a sixteenth-century treatise, the supposed date being about 1576, on the art of constructing and maintaining dykes. The author, Andries Vierlingh, was steward to the princes of Orange at Steenberg, a Brabant village, which lay then closer to the Zeeland waters than it does now, and where the art of 'dykage' was of paramount importance. Vierlingh also fulfilled the post of 'dyke-grave' in one polder and owned land in others. In the course of a long life he accumulated a vast experience which caused him to become known far and wide as an authority on all questions concerning controlling the waters and 'poldering in' new land. He lacked time to finish the treatise in which in his old age he meant to lay down all his lore about dykes, sluices, sandplates, and the like for the benefit of all who struggled with the water in the Netherlands, and it was never published until now. Its interest now is of course mainly historical, although Mr. Verhoeven, the hydraulic engineer, whose expert help Dr. de Hullu, the archivist, sought for the publication of this very technical work, declares that not only does he not know of any other work on the subject planned on such a comprehensive scale, but that it may still have some practical value for the present-day engineer. Nor is the book without interest to the general historian. Vierlingh devotes a good deal of attention to the human side of the subject. We learn much from him about the administration of the polder system in the sixteenth century. One of the things on which he insists most strongly is the disgraceful speculation of which most dyke-graves and contractors were guilty. Vierlingh's principal remedy is a democratic change in the method of the election of the dyke-grave, for which he wanted all landed proprietors in a given polder to have a vote, a wish which has been realized long since. P. G.

Another volume in the *National History of France* has been published in the English translation, that of M. Jacques Boulenger on *The Seventeenth Century* (London : Heinemann, 1920). Dealing with the reigns of Louis XIII and Louis XIV, it is a good example of a popular manual written with spirit and skill by one who knows the memoirs of the period well. There is little to be said of the chapters that treat, briefly and superficially, of foreign policy, and the most suggestive comments are in the accounts of justice, finance, and administration. It is noticeable that from writers of to-day the two kings, and *l'ancien régime* generally, receive more praise than they used to receive a generation ago, though M. Boulenger makes no concealment of the occasional sufferings of the poorer classes, and gives a vivid picture of the conditions under which

convicts lived in the galleys. He thinks that the injustice of the incidence of the personal 'taille' has been greatly exaggerated.

The personal 'taille' had at least this advantage, that the farmers of the nobles and clergy paid it; it was probably for this reason that the *Encyclopædia* of the eighteenth century, compiled by persons of the privileged classes, attacked it so bitterly. Now, in default of adequate monographs, too often even now all discussion of the finances of *l'ancien régime* is based upon information given by the *Encyclopædia*.

He also says 'we know nothing' on the disputed question whether Colbert's edicts of reform in procedure were actually carried out. Writing dramatized and literary rather than scientific history M. Boulenger has the gift of making his 'Corneillean' men and women vivid figures. As illustrating the reaction against Rousseauism which characterizes much French writing to-day, it is perhaps worth noting that, in M. Boulenger's opinion, 'the seventeenth century knew nothing of that sensibility of which the eighteenth and nineteenth made such deplorable use.'

W. D. G.

In his study of *The Influence of Oversea Expansion in England to 1700* (Studies in History, Economics, and Public Law. New York: Columbia University Press, 1920) Dr. James E. Gillespie has produced an interesting book. It contains a great collection of materials illustrating its subject, facts accurate and inaccurate, quotations from poets and prose writers, and generalizations of varying value. But this miscellaneous information is not properly assimilated or well ordered. The subject is a difficult one and would have tasked an experienced writer: it was a mistake to select it for a doctor's dissertation. The best way of showing the nature of the treatment is to summarize the contents. Three chapters are devoted to the effect of 'expansion' on English society and three others to its effects on commerce, industry, and finance. Morals and religion together occupy one chapter; thought, literature, art, and political development separate chapters. In the chapter on morals and religion, religious toleration, scepticism, and materialism are successively attributed to the influence exercised by the discovery of the New World and its colonization, and the demoralizing results of materialism are illustrated by the extravagant expenditure of early seventeenth-century Englishmen in dress, jewellery, and tobacco. Then comes a concluding section on the good results of 'expansion' shown in 'the newly awakened zeal for foreign missions'. The treatment of these various topics is too superficial to be satisfactory, and the chapter, like the book itself, lacks cohesion. As to details, the author takes his facts too lightly from second-hand authorities. On p. 20 he says 'a code of laws was in force which in Cromwell's time sanctioned the execution of 3,000 persons for witchcraft alone'. The authority cited for this is Scharf's *History of Maryland*, vol. i, p. 371. The real facts are stated in Professor Wallace Notestein's admirable *History of Witchcraft in England*, published by the American Historical Association in 1911. About four persons seem to have been executed for witchcraft during the Protectorate, and forty or fifty during the Commonwealth. Again, in a note on p. 24, it is said that 'apparently

children were deported from England as early as 1609, and according to the Calendar of State Progress their destination was the East Indies rather than America'. The quotation which follows proves that the 1,500 children mentioned came from Portugal, not from England. These are extreme cases, but throughout authorities are employed too uncritically.

C. H. F.

Dr. Rendel Harris, whose authority as an expert on the subject is so well known, has reached in *The Finding of the Mayflower* (Manchester : University Press, 1920) 'the culmination and crown' of his researches into the story of the Pilgrim Fathers. The new conclusion reached is that a barn still existing at Jordans in Buckinghamshire was built out of the wood of the original *Mayflower*. It is impossible to summarize the steps by which this conclusion is reached. It is enough to say that, whether or not they would be conclusive in a court of law, the arguments adduced seem very strong. Incidentally it should be noted that this theory involves the abandonment of Dr. Harris's previous opinion that the *Mayflower* may have been in existence until 1655. She must have been 'broken up' in 1624 (as maintained by Mr. Marsden), about which date the barn was erected.

H. E. E.

In his little book, *Le Secret de Barnave : Barnave et Marie-Antoinette* (Paris : Boccard, 1920), M. E. Welvert treats of the secret relations between Barnave and Marie-Antoinette. M. Welvert's writings are always interesting, always agreeable to read, and he uses his exceptional knowledge in attempting to find out the truth. It is a pity that here he accepts the much-disputed 'Heidenstam Letters' without discussing the arguments raised against their authenticity both from internal evidence and from the strange tricks that have been played with the text. He thinks that the verdict in their favour of two 'experts', chosen by M. Heidenstam, settles the question. Probably few of those who have read the report of the experts and Dr. Glagau's reply, as reprinted in vol. vii of the *Annales Révolutionnaires*, will be disposed to agree with him.

E. D. B.

With the title *Memoirs of the Count of Rochecouart* (London : Murray, 1920) there appears a translation of the *Souvenirs sur la Révolution* published in Paris in 1889. Unfortunately the omission of many documents and some passages of the memoirs, indicated by the translator *in locis*, seriously diminishes the value of the English version for the historian. Whereas the original occupied 532 pages, the translation is compressed into 318, chiefly by the suppression of letters. The welcome addition of an index is a partial compensation for the loss of a quarter of the text.

G. D.

Only one hundred and fifty copies of the first edition<sup>1</sup> having been printed, Dr. Arnold Chaplin has published a corrected and enlarged edition of his *St. Helena Who's Who* (London : Humphreys, 1919), to satisfy a wider demand.

A.

<sup>1</sup> See *ante*, xxx. 186.

In his *Social and Industrial History of England, 1815-1918* (London: Methuen, 1920), Mr. J. F. Rees has produced a good book. His narrative is clear, his style is crisp, and his facts are well chosen. He has given us, however, not so much an equally weighted history of industrial and social development, as a review of social effort, mainly that of the working-class, with such references to industry and politics as were needed to make this review intelligible. He is at his best in his account of trade unions and Socialism. His portraits of Owen and Place are good, and indeed wherever he has allowed himself elbow-room, he says little which is open to criticism. Only in the generalizations which occur here and there as background or introduction does he give a wrong lead. For example:

We know that in the first part of the eighteenth century England remained, despite land enclosures of the sixteenth and seventeenth century, a country of open fields (p. 6).

Should not the reader be cautioned that these enclosures embraced whole counties, and that in some outlying parts of England the open-field arable of the east midlands was unknown? Again:

Before 1760 the pure wage-earner was exceptional. There were comparatively few who were completely separated from the land and dependent for their living on finding employment in a factory (p. 16).

Here the whole truth is not revealed. What is fairly true of a large section of our textile industries is not true of portions of it, e. g. the silk weavers of Spitalfields, and altogether untrue of many other occupations. What were the mass of Londoners in 1700, if they were not wage-earners? What, too, of the many thousands engaged in finance and commerce in offices, warehouses, ships, and ports, in building roads and digging canals? A third passage runs:

All that can be said of the chief industrial magnates is that they sprang from the class of small farmers which was disappearing in the eighteenth century (p. 21).

Mr. Rees really means that he has not space to say more. Very much more could be said, and requires saying, of the merchant manufacturers who were the forerunners of the great employers of the eighteenth and nineteenth centuries. And we imagine that Mr. Rees would find it hard to prove that the clothiers of the west of England, the iron-masters of Staffordshire and South Wales, or the contractors and engineers of Scotland and the north of England had, most of them, yeomen ancestors. Mr. Rees tells us that 'Chartism was a reaction against the factory system'. Here again the part is taken for the whole. It is untrue of the Chartism of London, of Birmingham, of South Wales, or of Leicester. In each district the Chartists had their particular inspiration or irritant. The only common factor was the social misery in which the majority of the working population was in those days plunged. On p. 78 August 1844 seems to be a misprint for August 1842, the month of the 'general turn-out'. The index-makers have not selected the most important references and given these alone, nor have they added explanatory sub-headings. C. R. F.

In *The Secret Treaties of Austria-Hungary, 1879-1914*, vol. i, *Texts of the Treaties and Agreements* (Cambridge, Mass.: Harvard University Press, 1920), Mr. A. C. Coolidge has produced an excellent translation

of the Austro-Hungarian treaties, which Dr. Pribram has printed as a result of his investigations into the Vienna archives. The account of the negotiations which preceded the five treaties of the Triple Alliance has been reserved by the editor for another volume. We have here, besides the documents, the illuminating introduction of Professor Pribram, which analyses, with a remarkable impartiality, the significance of the various documents. It is however difficult to accept his conclusion that while Italy secured the greatest advantages from the Triple Alliance 'Austria-Hungary doubtless got the worst bargain'. Italy obtained, it is true, considerable commercial and financial advantages, but these were largely neutralized by the ten years' tariff war with France. She received from 1891 onwards a promise of the definite support of the Triple Alliance in the event of a war with France, if the latter power altered in any way the *status quo* on the North African coast. On the other hand she came to realize, especially after Adowa, that her best chance of obtaining Tripoli and the Cyrenaica lay in an agreement with France; since the increasing subordination of Turkey to Germany rendered it unlikely that she would obtain these possessions through the Triple Alliance. Moreover the Alliance condemned her to an indefinite renunciation of Italia Irredenta, which ensured the constant hostility of a large section of Italian public opinion; while the fear that the pope would be restored by French aid, which Bismarck used as an effective argument in 1882, had become completely illusory by the end of the century. Nor is it true that Austria-Hungary 'attained nothing but a certain degree of assurance that her ally would not attack her in the rear in case she should become involved in a war with Russia'. Dr. Pribram himself admits that the defection of Italy would have involved incalculable consequences. This is particularly true after the conclusion of the Franco-Russian alliance in 1894, the accession of Italy to which would have dealt Austria-Hungary a fatal blow; whereas, fortified by the alliance, she was able to keep Serbia and Roumania in her orbit, to look forward with confidence to the eventual annexation of Bosnia and Herzegovina, and to envisage the possibility of an advance through Novi-Bazar to the Aegean. Dr. Pribram points out that by the text of the treaties Italy was not bound to assist Austria-Hungary if the latter was attacked by Russia alone. This is a true and important point: her only security against such an attack lay in the successive renewals of the alliance with Germany after 1879. That the Triple Alliance had become a complete unreality by the date of its last renewal in 1912 is obvious. The three anti-French articles, which remained unaltered since they had been inserted at the demand of Italy in 1891, had no possible reference to the actual situation; while the hope expressed in the protocol, which also dates from 1891, that England will accept the programme established by the two earlier of these articles, is grotesque. The Alliance was probably strongest and most harmonious between 1887 and 1891, when France still remained isolated, and when England made her closest approach towards it by her adhesion to the Mediterranean agreement of 1887 with Italy and Austria-Hungary. It had, however, already lost that essentially defensive character, which can only justly be ascribed to its first signature in 1882.

The seventh volume of M. Auguste Gauvain's *L'Europe au Jour le Jour*<sup>1</sup> (Paris: Bossard, 1920) contains his leading articles between June 1914 and February 1915. In these his reputation for foresight is well maintained. As early as 5 August 1914 he stated that Bulgarian complicity with Austria was 'morally certain'. On 26 August he ventured to describe the war as 'long and terrible'. He pressed for immediate action against Turkey, and regarded British reluctance to national service as a transitory if inevitable prejudice. These were real services to France. The articles, however, are far too much 'au jour le jour' to be held either literature or history.

G. B. H.

In the 220 pages of his *Histoire de l'Empire Byzantin* (Paris: Picard, 1919) Professor Diehl has given us an outline of Byzantine history from 330 to the capitulation of Trebizond in 1461. He has proceeded by selection and not by compression, recognizing that in such a task success is not gained by forcing into a small compass as many facts as would properly find their place in a history written on a larger scale. The result is a useful and readable book, in which the writer has some room to escape from the mass of details, and to dwell upon the more general aspects of his subject, whilst the reader hardly feels the severe economy of space. By a division of the material into broad periods the awkwardness of perpetual change of subject has been as far as possible avoided. An appendix contains a list of emperors, a chronological table, and a short bibliography. There are fifteen plates taken from the author's *Manuel d'Art Byzantin*, a plan of Constantinople, and four maps.

R. M. D.

Although his own special studies belong to early periods of our history, M. Henri Prentout has undertaken with success a general *Histoire de l'Angleterre* (Paris: Hachette, 1920). He treats the whole story from prehistoric times to the general election of 1918 with accuracy and proportion. A few small mistakes, for instance in the spelling of names, are inevitable, and occasionally British events are shown in a foreign dress, but, except for the most recent period, where, perhaps unconsciously, he becomes something of a partisan, the author has produced a trustworthy and useful handbook.

B.

Two articles of special interest to historical students appear in the *Law Quarterly Review* for July 1920 (vol. xxxvi, no. 143). In his paper on the rise of the order of king's counsel Dr. W. S. Holdsworth supplements his study, published in the *Wigmore Celebration Essays* (Chicago, 1919), upon the law officers of the Crown. He shows how the learned counsel retained by the Crown in Elizabeth's reign developed into a body of privileged persons who affected the ordering of the whole legal profession, the precedence of barristers, the position of the serjeants, and the government of the Inns of Court. Dr. Percy H. Winfield's essay on the early history of criminal conspiracy helps to reveal one of the darkest sides of medieval administration, namely, the ease with which, owing to lack of

<sup>1</sup> See *ante*, xxxiii. 427 and xxxiv. 126.

public opinion and the geographical isolation of officials, unscrupulous men or corrupt bailiffs and justices could abuse the forms of justice. Conspiracy, as defined in 33 Edward I, was primarily a combination falsely to indict, or falsely to move or maintain pleas. Combinations to refuse suit and service, or to exact unauthorized tolls, to bring a false charge or interfere with an inquest were among the commonest occurrences; they fully justified the growth of writs of conspiracy, the savage 'villainous judgement', and the jurisdiction of the Star Chamber. Dr. Winfield illustrates from Lancashire the value of geographical knowledge in detecting conspiracy. False indictments were especially easy in that county owing to its geographical peculiarities.

Morecambe Bay so splits the county that juries drawn from either division of it might well be ignorant of the existence of places in the other, and indictments and appeals of treason and felony were falsely procured against persons who were accused of having committed them in a fictitious place.

Dr. Winfield's paper is continued in the October issue of the Review. The October issue (no. 144) also contains another article by Dr. Holdsworth on the historical background of the recent decisions in the house of lords in the two cases of *Bowman v. The Secular Society* and *Bourne v. Keane*. He traces very clearly the modern history and decline of the common-law rules, as distinct from statutes directed against religious non-conformity, and maintains the illegality of the expression and teaching of definitely anti-Christian beliefs. The changes in common-law doctrine during the last century have in their turn reacted on the interpretation of early statutes, especially the preamble to the Chantries Act of Edward VI. Dr. E. F. Churchill contributes a paper on the protection given by the Crown to the alien in England between 1066 and 1689 (pp. 402-28) which forms an instalment of his researches into the history of the royal prerogative.

F. M. P.

The 1919 volume of the *Collections for a History of Staffordshire* (London: Harrison, 1920) is not quite so substantial as some of the recent issues of the William Salt Archaeological Society, but it contains several solid contributions worthy of the high traditions of that body. Among these are (1) 'Notes on the Early History of the Parish of Blithfield', by its late rector, the Rev. D. S. Murray, who died while the article was passing through the press; (2) 'The Staffordshire Hidation', by Messrs. C. G. O. Bridgeman and G. P. Mander, wherein a valiant and systematic effort is made to investigate the part played in local history by the 'five hide unit' which Mr. J. H. Round has shown to be so important in the history of other counties; and (3) 'Gregory King's Notebook, 1679-80', edited from a manuscript in the William Salt Library by Mr. Mander. We note that Colonel Wedgwood has now retired from the secretaryship of the society, to which he has so long devoted a large share of his unflagging energy.

T. F. T.

In *Annales de Bretagne*, vol. xxiv, no. 1, M. E. Déprez publishes from the Ancient Correspondence in the Public Record Office (L, no. 135) an interesting 'lettre missive' of John of Montfort, the claimant to the



Breton duchy, which represents a type of correspondence still rare in the mid-fourteenth century, being of a personal and private character. M. Déprez has added a useful, if not very novel, commentary, sketching the relations of Montfort to Edward III. C.

In 1910<sup>1</sup> we pointed out that Mr. A. Hassall had not, in the second edition of his *European History Chronologically Arranged*, corrected the errors which we had pointed out on its first appearance in 1898.<sup>2</sup> We observe with regret that the third edition (London: Macmillan, 1920) still retains some of these, and that, in his revision, the author has not even altered the cross-references to suit the new pagination. His new *British History Chronologically Arranged* (London: Macmillan, 1920) is similar in plan, though on a somewhat larger scale. It appears, however, not to be more trustworthy than the earlier work. Thus on p. 216 it states that in 1487 the court of star chamber 'probably already existed', and on p. 270 that it 'owed its origin to the famous Act of 1487'. Nor is this an isolated mistake. D.

The series of *Handbooks prepared under the Direction of the Historical Section of the Foreign Office* (London: Stationery Office, 1920) has now reached no. 162, and the latest issues include, besides Mr. C. K. Webster's *Congress of Vienna*,<sup>3</sup> previously published in another form, several other pamphlets in which the name of the author is given, namely Lord Phillimore's *Schemes for Maintaining General Peace*, Sir Ernest Satow's *International Congresses*, Sir Francis Piggott's *Freedom of the Seas*, Dr. Hearnshaw's *European Coalitions, Alliances, and Ententes*, Mr. Whittuck's *International Canals*, Mr. E. L. Woodward's *Congress of Berlin*, and Mr. G. Kaeckenbeeck's *International Rivers*. E.

It is unfortunate that the revolutionary ideas of Mr. G. D. H. Cole do not extend to style. He has adopted and indeed extended in his *Social Theory* (London: Methuen, 1920) the jargon of the 'academic' political theorists at whom he sneers. His work is full of new technical terms, many of them extremely displeasing, and his sentences are overloaded with a continual succession of abstractions. We believe Mr. Cole to be perfectly capable of writing clear and vigorous English, and it is unfortunate that he should be satisfied with those methods of expression by which men of second-rate intelligence delude for a brief period the more credulous among their neighbours. It may be added that far too little attention has been paid to the task of eliminating printer's errors. In method, too, the book leaves much to be desired. Mr. Cole's early chapters are largely taken up with definitions, and here, if his execution is clumsy, his intention at any rate is sound. When, somewhat tardily, he comes to the main body of his argument, he continues to employ exceedingly abstract arguments in supporting what are really concrete proposals for reform. To give a minor but typical example, he argues that because a man does not put his whole personality into society (in the sense of social organization) therefore society has no right to put a man to death,

<sup>1</sup> *Ante*, xxv. 806.

<sup>2</sup> *Ante*, xiii. 396.

<sup>3</sup> See *ante*, xxxiv. 260.

'for death involves a total cessation of personality'. To deduce, as Mr. Cole continually does, practical proposals from some elaborate definition is quite unconvincing. On the other hand, many philosophers have fallen into the same error, and this error represents a general tendency to seek philosophic justification for proposals adopted on quite other grounds. Unfortunately the method obscures not only the real grounds behind the concrete proposals, but also the character of the proposals themselves. One may, however, attempt to indicate briefly Mr. Cole's central doctrine. He believes that orthodox political theory does too little justice to organizations other than the state. He is dissatisfied with ordinary parliamentary government, and he dislikes its position of authority over trade unions and other organizations. Above all he is displeased by economic inequality, which he believes to be the source of most social evils. He therefore proposes that trade unions and other 'essential' organizations should have legislative authority equal to that of parliament. The authority of parliament or the state should be confined to 'political' activities only, and political activities he reduces (by one of his least convincing definitions) to the social regulation of certain personal relationships, the most notable of which is marriage. The sovereign state is thus abolished, but Mr. Cole is compelled to reintroduce it. It reappears in the form of a co-ordinating authority composed apparently of representatives chosen from the different essential associations, including, it may be presumed, parliament or the state. He speaks of this as a 'constitutional judiciary' rather than a 'legislature'. It is however perfectly clear that, as it is to control foreign policy and the army and navy, this description of it is quite inadequate. Both here and in regard to the subordinate associations he has not really thought the matter out.

H. J. P.

In his *Nationality and its Problems* (London: Methuen, 1920) Mr. Sydney Herbert gives a general introduction to a difficult subject. At the beginning of the late war, while our opponents were credited with the view that the time of small nations is past, we maintained that the cause of the small nations was also our own. Many of our writers went on to argue that no political division of the world could be regarded as satisfactory unless it rested on a basis of nationality. Each nationality should be allowed to manage its own affairs, and no nationality should be so predominant as to interfere with the development of any other. Every political suggestion has its intellectual difficulties: but it soon became plain that this conception has more than its fair share of difficulties. In the first place, nation and nationality are hard terms to define: Mr. Herbert's discussion of this part of his subject shows that we have not advanced far beyond tentative suggestions. Then again, any attempt to rearrange the map of Europe on national lines proves to be hopeless unless it is accompanied by enforced removal of inconvenient minorities. Mr. Herbert has little difficulty in showing that the principle of nationality, where it is at all strongly developed, bears hardly on the representatives of other nationalities within the same political area; Hungary and Germany are easy illustrations, but Mr. Herbert hints that Welshmen and

Irishmen might say the same of England. Once more, if nationality is the true basis of political union, and if it deserves to be intensified wherever it exists, will not the family of nations prove to be a more unruly family than ever? Ought we not in fact to discourage nationalism in the higher interest of internationalism? Mr. Herbert is fully aware of the difficulties: he spends some time in showing, by an account of the Italian movement and a shorter reference to the rise of Greece, how nationality came to be associated in liberal circles with progress and to gain a reputation which is in some respects the opposite of that which it deserves. But he does not wish to discourage nationalism. He thinks that the strengthening of national feeling is as desirable for the world at large as the development of individual character is useful for the state. Nationalism must, however, be dissociated from politics; otherwise the strong points of nationalism will be neutralized by opportunities for bringing pressure to bear on other nationalities. This suggestion is not quite a new one; but it is interesting as an indication of the direction in which thought is moving. It bears some affinity to that depreciation of the state in relation to other forms of community which is becoming so much of a commonplace that its difficulties are apt to be overlooked. Certain writers tell us that the state only differs in the fact that membership of it is compulsory: this difference cannot well fail to be important, but, unless the sphere of the state is severely limited, it becomes so important as to make the comparison ridiculous. In the same way, unless politics are caused to be far less important than they are at present, the political authority will be engaged in continuous conflicts with nationalist ambitions and nationalism will never be content at being excluded from politics. The ideal of these thinkers appears to be a world-wide political authority, co-ordinating and intensifying nationalist aspirations, wherever they are found, as the best means of bringing out the highest human qualities. Those who have no quarrel with this as an ideal may yet feel that it is still a long way off from being realized, and that much hard thinking will have to be done about the intermediate steps before it can be brought about. P. V. M. B.

The English title of *The History of Social Development* (London: Allen & Unwin, 1920) seems unfortunate, at least if the title in the translator's Preface, *Phasen der Kultur*, is that of the original work. The author, Dr. F. Müller-Lyer, does not profess to give a complete history of social development, but to mark out various phases in the course of human progress from savagery to the civilization of the present day. He sets forth the main lines of development to be observed in the use of tools, clothing, dwelling, the organization of labour, &c. The word 'phaseology' may seem to suggest a new science or at least a new method. But the author does not seem to mean much more by it than the separation of the various departments of social life in their concomitance and sequence. Unless the early development of religion and art is reserved for another volume, it is probably due to the necessity of limiting his subject that Dr. Müller-Lyer gives so much less prominence than most other anthropologists to these matters. When anthropologists come on well-traversed historical

ground, their statements commonly require modification. Thus, with regard to costume: the statement that tight-fitting clothes are a recent introduction might be questioned by some students of early art. Some phases come and go without evident relation to general progress. The practical result of the whole is certainly one for which the historian would require further justification: that social development and especially the differentiation of functions in the group has in past times not tended to the happiness of the ordinary person, but that we are now approaching a régime of 'social individualism' in which 'the culture achievements which have been so laboriously acquired us are brought into service for the improvement of the welfare of the individual'.

A. G.

The first volume of the late Professor L. Oppenheim's *International Law*, of which we reviewed the first edition in 1907 and the second in 1912,<sup>1</sup> has appeared in a third edition (London: Longmans, 1920), the revision having been carried on by the author until July 1919, and after that date, down to May 1920, by Mr. Ronald F. Roxburgh. A bibliography of Oppenheim's works on international law is added.

F.

In 1842 William Jay published anonymously in New York a short book, now carefully reprinted by the Carnegie Endowment for International Peace, *War and Peace: the Evils of the First and a Plan for preserving the Last* (New York: Oxford University Press, 1919). The plan was a development of what had been advocated half a century before by Jay's more famous father and, indeed, of far older projects and precedents: it was a plan for inserting in treaties a clause for the submission of consequent disputes to arbitration. As Dr. James Brown Scott, however, points out in a brief introduction, the book played a real part in the progress by which the *clause compromissoire* became a familiar provision of treaties, and it still has an interest for the student of 'peace movements'.

G.

The provision of an index, with which, as a ninth volume, Dr. W. P. C. Knuttel has now completed his *Catalogus van de Pamfletten-Verzameling berustende in de Koninklijke Bibliotheek* (The Hague: Nijhoff, 1920), will save much time and trouble to those who work among Dutch pamphlets. References are given both to names and to the more important subjects, and the printing is admirably clear.

H.

Newspapers and other periodicals afford a valuable but a vast and confusing mass of information on the history of the last three centuries, and the anonymous *Tercentenary Handlist of English and Welsh Newspapers, Magazines, and Reviews* (London: The Times, 1920) will be heartily welcomed by historical students. It is divided into two sections arranged in chronological order, the first giving the London and suburban press, the second, that of the provinces, and each section has a separate index of titles. The collections of the British Museum have been used as the basis of the compilation, but a large number of periodicals are mentioned which are not to be found there, and in these cases references are given

<sup>1</sup> *Ante*, xxii. 388; xxvii. 414.

to the local and other libraries where the files are to be sought. It would have been impossible to avoid all inaccuracies in these closely-printed lists, which extend to more than three hundred pages of double columns, but the standard of accuracy seems, so far as we have been able to test it, to be high. For the seventeenth and nineteenth centuries, the list aims at being 'practically exhaustive', but for the eighteenth it is unavoidably incomplete. Even for students of that century it will, however, be a most useful guide and a starting-point for further compiling. There is an introduction of a dozen pages, somewhat miscellaneous, but containing some of the more interesting early references to newspapers, such as Richard Brathwaite's character of a 'Corrant-Coiner' of 1631. The value of the volume might have been increased by the addition of a systematic list of secondary works relating to the periodical press, and of such reprints as the facsimiles in which Mr. W. van Stockum, jun., reproduced the earliest group of English newspapers printed in Holland in 1620 and 1621, the group which justifies the word 'Tercentenary' in the title of this *Handlist*. I.

The subject-catalogue of *American and English Genealogies in the Library of Congress* at Washington, which was first published in 1910, though not noticed in this Review, has appeared in a second and greatly extended edition (Washington Government Printing Office, 1919). Over 3,000 new titles have been added, and the catalogue now contains nearly 7,000 entries, though a considerable proportion of these are biographical rather than genealogical. Viewed as a bibliography of American family history, the Congress catalogue is fairly exhaustive. For English pedigrees it is naturally less complete, and so, while supplementing, it fails to supersede the family history section in Gatfield's *Guide to Heraldry and Genealogy*. H. H. E. C.

The volume on *Writings on American History, 1917* (New Haven, Connecticut: Yale University Press, 1919), compiled by Miss Grace G. Griffin, is the twelfth number of a continuous series, opening with 1906. Its value to students of American history does not admit of exaggeration. H. E. E.

The collection of Washington papers, purchased by the government of the United States in 1834, has recently been rearranged in 472 volumes. Mr. J. C. Fitzpatrick's *List of the Washington Manuscripts, 1592-1775* (Washington: Government Printing Office, 1919), gives, with an index, the headings of the individual papers of the first fifteen volumes, which end immediately before George Washington's commission as commander-in-chief. L.

Governments may do much to make the path of the historian easy: whether they may not attempt too much is the question suggested by the *List of References on the Treaty-Making Power* (Washington: Government Printing Office, 1920) which has been compiled under the direction of Mr. Herman H. B. Meyer, the chief bibliographer of the Library of Congress. There are 1,010 references, covering the power of making

treaties in all countries and in all its aspects; to most of them is added the press-mark of the book in question in the Library of Congress. The student who uses this work is directed to the pages he wants: he does not even need to use the index, let alone the rest of a book. J.

It will be difficult to tell exactly when the moment has come for enriching our libraries with a new edition of a standard atlas 'conforme aux traités de paix'; but M. F. Schrader, with an optimism which we hope may be justified by the event, has undertaken the revision of the well-known *Atlas Universel de Géographie* (Paris: Hachette, 1920) known by his name and that of M. Vivien de Saint-Martin. The maps are being published in groups of three, but not in the order which they will have in the completed work, so that those of which the lines have not yet settled down may possibly be reserved for times of greater certainty. The fifteen we have received all represent countries of stable frontiers. K.

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#### CORRECTIONS IN THE NUMBER FOR OCTOBER 1920

P. 485. THE EARLY SHERIFFS OF NORFOLK. Mr. Walter Rye writes that there is no foundation for Dr. Round's statement about him contained in the following words: 'although he knows that the Clares, a great baronial house, were quite distinct from the Cleres, a local Norfolk family, he asserts . . .', and that this statement is not borne out by pp. 103-5 of his *Norfolk Families*, to which reference is made in Dr. Round's foot-note. The words used by Mr. Rye in the passage cited are: 'It is not, however, impossible, and indeed I think it highly probable that the family may be descended from the noble family of de Clare.' Mr. Rye has also submitted arguments to support the identification of the two families. These we do not see our way to publish, but Mr. Rye wishes us to state that he protests against this decision.

P. 562, n. 2. Professor Tout writes that 'Lampeter 1332' is an error. The reference is to *Cal. of Charter Rolls*, iv. 219, where a charter of 1331 confirms a charter of 1277 (*ibid.* ii. 206) granting to the burgesses of Llanbadarn (= Aberystwyth) the liberties of Montgomery. Grose, to whom reference is made, is wrong.

p. 570. - Mr. Strickland Gibson points out that Mr. Tait's conjecture about the date of Letter I is supported by a contemporary note on fo. 65. The letter is headed: 'He litere misse sunt ad Vniuersitatem Oxoniensem a Comite Wygorniae. Bereworth et Lee procuratores.' Bereworth and Lee appear as proctors under the year 1459 (Wood, *Fasti*, p. 57).

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# THE ENGLISH HISTORICAL REVIEW

NO. CXLII.—APRIL 1921 \*

## *The Genealogy of the Early West Saxon Kings*

OUR authorities for the genealogy of the early West Saxon kings, apart from some minor points on which we have incidental evidence from other documents, are the Chronicle and Florence of Worcester. These authorities have been carefully examined by Mr. Plummer, who shows that the evidence of the Chronicle is inconsistent, and that of Florence not independent.<sup>1</sup> The evidence of the Chronicle, all of which, so far as it is pertinent to our subject, dates either from the time of King Alfred or earlier, may be classed under four heads: first, the preface, consisting of a regnal table and a genealogy of King Ethelwulf continued to King Alfred; secondly, genealogical fragments contained in annals relating to a period prior to the conversion of Wessex; thirdly, genealogical fragments in annals beginning with the year 648 and ending with the year 728; and, fourthly, a genealogy of King Ethelwulf in the annal of 855.

Mr. Plummer regards the preface and the annal of 855 as being our primary authorities, and treats the annals prior to 728 as secondary and, indeed, as fictitious, so far as they cannot be made to agree with the preface and the annal of 855.<sup>2</sup> This method of dealing with our authorities, however, seems to be by no means free from objection. For example, the annal of 674 contains an elaborate genealogy of King Æscwine, a person of quite ephemeral interest. If the preface and the annal of 855, which were unquestionably written in the ninth century, are primary and the annal of 674 is secondary, we cannot place the composition of the annal of 674 before the ninth century; yet it is difficult to imagine why a genealogy should have been invented

<sup>1</sup> *Two Saxon Chronicles Parallel*, ii (1899), pp. 1, 2.

<sup>2</sup> *Ibid.* and p. 31 (note on annal of 676).

for King Æscwine more than two hundred years after his death. Again, the annal of 728 contains a genealogy of the Atheling Oswald, of whom the ninth century knew no more than that he fought against King Æthelheard in 728 and died in 730.<sup>1</sup> If the ninth-century compiler thought it worth his while to invent a genealogy for the atheling Oswald, why should he have neglected to invent genealogies for King Æthelheard himself and for Æthelheard's successors, Cuthred, Sigebryht, Cynewulf, and Beorhtric? These kings must have been far more interesting to a ninth-century writer than the atheling Oswald can have been. It is hardly necessary for me to pursue this argument. It will be sufficient to cite Professor Chadwick :

Many of the seventh-century [West Saxon] annals have all the appearance of being genuine records. Moreover, we may note that down to Ine we find the genealogy of almost every king, whereas those of all the succeeding kings are omitted—a fact which seems to point to a change of authorship.<sup>2</sup>

Mr. Plummer himself admits the probability that the ninth-century chronicler had written sources of the seventh and eighth centuries for his West Saxon annals.<sup>3</sup>

If then the annals of 648 to 728 are contemporary, while the other three classes of evidence furnished by the Chronicle date from the ninth century, is it possible that the early West Saxon writers had information respecting the genealogy of their kings which had been forgotten when the ninth-century Chronicle was compiled? Our answer will be that this is not only possible, but certain, if once we recognize that the annals of 648 to 728 were contemporary. For example, the ninth-century Chronicle assigns no less than five different fathers to the first Christian king, Cynegils.<sup>4</sup> According to the preface, Cynegils was Ceolwulf's brother's son, and as a brother of Ceolwulf named Ceol had just been mentioned, this has been interpreted as meaning that Cynegils was the son of Ceol.<sup>5</sup> According to the annal of 611, however, Cynegils was the son of Ceola, and although Ceola may be another form of Ceol, it is more accordant to analogy to regard Ceola as a hypocoristic form of a longer name, of which Ceol was only the first syllable. The annal of 676 makes Cynegils

<sup>1</sup> The date 728 is a mistake for 726 (p. 164, note 1 below). It is uncertain, therefore, whether Oswald lived two or four years after the accession of King Æthelheard.

<sup>2</sup> *Origin of the English Nation*, p. 27.

<sup>3</sup> Plummer, ii, introd., par. 107, especially p. cxii, n. 4.

<sup>4</sup> Perhaps six different fathers, if we distinguish Cuthwulf of the preface from Cutha of the annal of 855.

<sup>5</sup> On this interpretation, however, it is not clear why the chronicler, if he meant 'son of Ceol', did not write 'Ceoling' instead of 'Ceolwulfes brothur sunu'. If, however, Ceolwulf was a brother of Cuthwine, the statement could be harmonized with the annal of 688.



the son of Ceolwulf, while the annal of 688 gives Cuthwine as the name of the father of Cynegils and Ceolwald. Finally, according to the annal of 855, Ceolwald, the brother of Cynegils, was not the son, but the grandson, of Cuthwine. It is obvious, therefore, that the ninth-century chronicler was unable to ascertain the paternity of Cynegils. On the other hand, we have no reason to suppose that Cynegils's paternity was considered doubtful by his contemporaries. Consequently, we shall be inclined to think that the ninth-century chronicler's work on these genealogies is equally worthless with that of Florence of Worcester. Mr. Plummer observes that Florence's pedigree was formed merely by piecing together the different pedigrees in the Chronicle, an attempt being made to reconcile their inconsistencies by duplicating and triplicating names.<sup>1</sup> The chronicler's own work betrays evidences of a similar method. He has duplicated Cuthwine and its hypocoristic form Cutha. Instead of 'Ceolwald Cuthwining, Cuthwine Ceawlining', which the annals of 685 and 688 require, the annal of 855 has 'Ceolwald Cuthaing, Cutha Cuthwining, Cuthwine Ceawlining', and the preface goes a step further by identifying Cutha with the hero of the annal of 571, Cuthwulf. It should have been obvious to the annalist of 855 that, as both the Cutha of the annal of 685 and the Cuthwine of the annal of 688 are described as sons of Ceawlin, Cutha must either be the same person as Cuthwine or else Cuthwine's brother. Instead of adopting either of these conclusions, he has absurdly made Cutha a son of Cuthwine. The fact that Ceadwalla was in 685 regarded as *heres regni* instead of Ine proves that Cutha is to be identified with Cuthwine; otherwise Ine would have been more nearly related to Kings Cenwalh and Cynegils than Ceadwalla was.

Our next step will be to set aside the ninth-century chronicler's work, and to rely exclusively on the annals of 648 to 728. The genealogical portions of these annals are brief enough :

648. Here Cenwalh gave Cuthred, his kinsman, three thousands of land by Ashdown: which Cuthred was Cwichelming, Cwichelm Cynegilsing.

661. Cuthred Cuichelming and Cœnbryht cyning died in one year.

674. Here began to reign over the West Saxons Æscwine, who was Cenfusing, Cenfus Cenferthing, Cenferth Cuthgilsing, Cuthgils Ceolwulfing, Ceolwulf Cynricing, Cynric Cerdicing.

676. Here Æscwine died . . . and Centwine began to reign; and Centwine was Cynegilsing, Cynegils Ceolwulfing.

685. Here Ceadwalla began to fight for the throne: which Ceadwalla was Cœnbryhting, Cœnbryht Cading, Cadda Cuthaing, Cutha Ceawlining, Ceawlin Cynricing, Cynric Cerdicing.

688. Here Ine became king of the West Saxons and reigned thirty-

<sup>1</sup> *Op. cit.* ii. 2.

seven winters. . . . Now Ine was Cenreding, Cenred Ceolwadding; Ceolwald was Cynegils's brother, and they were Cuthwine Ceaulining's sons, Ceaulin Cynricing, Cynric Cerdicing.

718. Here Ingild, Ine's brother, died; and their sisters were Cuenburg and Cuthburh.

728.<sup>1</sup> Here Ine travelled to Rome and Æthelheard became king of the West Saxons and reigned fourteen years; and in that year fought Æthelheard and Oswald the Atheling: which Oswald was Æthelbalding, Æthelbald Cynebalding, Cynebald Cuthwining, Cuthwine Ceaulining.

These genealogical fragments are not entirely free from textual errors.<sup>2</sup> In the annal of 661 the context requires, instead of the word 'cyning', a patronymic to correspond with Cuichelming. The annal of 688 shows that the missing patronymic is Cading, and accordingly 'cyning' in the annal of 661 requires to be corrected to 'Cading'. A more serious error may underlie the text of the annal of 676. From the annal of 688 it is clear that King Cynegils was the son, not of Ceolwulf, but of Cuthwine. If we could be sure that Centwine was the son of King Cynegils, we might suppose that our author, in composing the annal of 676, had inadvertently written the name of the predecessor, instead of the name of the father, of Cynegils; or again, we might attribute the words 'Cynegils Ceolwulfing' to an annotator who confused Cynegils with the Cuthgils of the annal of 674. In that case, the original text would have been merely 'Centwine Cynegilsing', and, as a comparison with the annal of 648 will show, this would have been quite sufficient, if the Cynegils in question had been King Cynegils. There is good reason to believe, however, that Centwine was not the son of King Cynegils. In the first place, Bede's treatment of the reign of Centwine is rather strange: 'cumque mortuus esset Coinualch . . . acceperunt subreguli regnum gentis et divisum inter se tenuerunt annis circiter decem . . . devictis atque amotis subregulis, Caedualla suscepit imperium.'<sup>3</sup> Sir Charles Oman does his best to follow Bede, but finds it difficult:

We have during this period a mention of two kings—Centwine, brother of Coenwalch, and Æscwin, his distant cousin, a representative of the house

<sup>1</sup> As Ine reigned thirty-seven winters from 688 and Æthelheard's reign of fourteen years ended in 740, it seems clear that the annal of 728 really belongs to 726.

<sup>2</sup> It was the practice of the West Saxon royal family to arrange their generations in alliterative pairs. Cerdic's sons' names must begin with C, but not necessarily his grandsons' names. Whatever initial his grandsons might have, their sons' names must correspond. Consequently, it is clear that a name alliterating with Cynebald has fallen out of the annal of 728. I am inclined to think that the lost name is Ceolwald, the last three letters of which are the same as the last three letters of Cynebald and Æthelbald. In that case Cynebald would be a brother of Cenred, Ine's father, and we should understand better why Oswald claimed to succeed Ine.

<sup>3</sup> *Hist. Eccl.* iv. 12. The acknowledgement which Bede makes in his preface to Bishop Daniel for information respecting Wessex seems to be a mere compliment,

of Ceolwulf—who may have been either rivals, or else two royal ealdormen, who in a time of general confusion successively took upon themselves the kingly title . . . we hear of Centwine fighting with Britons, and driving them to the sea : presumably this implies that the Damnonians had taken advantage of the weakness of Wessex in order to invade it, but were driven back to the shores of the Bristol Channel. Certainly no advance of the Saxon border is implied, as some historians seem to have inferred. This was a time of chaos, not of growth.<sup>1</sup>

Sir Charles, as we see, is not unprepared to reject Bede's explicit statement that the subreguli were reigning concurrently, but reads into Bede's words an idea which may be implied, but is certainly not expressed, that the period of the subreguli was a period of weakness, or even of chaos. Sir Charles has, perhaps, overlooked the fact that it was only in 685, Centwine's ninth and last year, that Ceadwalla began to fight for the throne ('ongon æfter rice winnan').

Fortunately, we have in St. Aldhelm's poem *De Basilica aedificata a Bugge* a first-hand authority on King Centwine, since St. Aldhelm himself had been a subject of that king. St. Aldhelm tells us that Centwine reigned well ('rite regebat') and successfully ('feliciter') for several years, that he waged three wars triumphantly, and that Ceadwalla succeeded him as heir to the kingdom ('successit . . . regni possessor et heres').<sup>2</sup> If then it was not the weakness of the subreguli that caused Bede to speak so slightly of them, we must look for a different reason. There is a somewhat similar tone in a passage of Bede relating to Kent : 'ac post eum idem Edric anno uno ac dimidio regnavit ; quo defuncto, regnum illud aliquod temporis spatium reges dubii vel externi disperdiderunt donec legitimus rex Uictred . . . gentem suam ab extranea invasione liberaret.'<sup>3</sup> Bede's *legitimus rex* and St. Aldhelm's *et heres* seem to point to the true explanation of Bede's slighting reference to the subreguli. The rule of succession to the old English kingdoms is no longer understood,<sup>4</sup> but it is clear that in Bede's opinion there was a rule,

as the references to Wessex in the *Historia Ecclesiastica* are not only vague and unsatisfying, but usually appear to be derived from other than West Saxon sources. In the present case, Bede is, I suspect, following a life of Ceadwalla ; and, as Ceadwalla died in Rome, it is likely that his life was written for visitors to that city.

<sup>1</sup> *History of England*, i. 288.

<sup>2</sup> *Aldhelmi Opera*, ed. Giles (1844), p. 115. St. Aldhelm also implies that Centwine resigned the crown and adopted the monastic life from choice. If so, Ceadwalla may have begun to fight for the crown after Centwine's resignation and Bede's 'devictis atque amotis subregulis' may be a hyperbolical way of saying that Ceadwalla had to use force to persuade the witenagemot to elect him king. In any case there can be no doubt, in view of St. Aldhelm's evidence, that Bede's description of the subreguli is inaccurate.

<sup>3</sup> *Hist. Eccl.* iv. 24.

<sup>4</sup> For example, when Cenwalh died, his nearest kinsman seems to have been Ceadwalla, who was too young to succeed him. After Ceadwalla and his younger brother Mul, the next heir seems to have been Cenred. It seems clear that Cenred was passed

and that this rule had been neglected in Kent between Edric and Wihtred and in Wessex between Cenwalh and Ceadwalla. If so, it is impossible to believe that Centwine was the son of King Cynegils, and therefore the brother of King Cenwalh: otherwise his claim to the throne would have been far better than Ceadwalla's. Moreover, St. Aldhelm's poem supplies us with negative evidence which points in the same direction. The poem was intended as a compliment to Bugge, the daughter of King Centwine. It is as Bugge's father that Centwine finds a place in the poem. After Centwine, the poet mentions his successors Ceadwalla and Ine, who were only distant kinsmen of Bugge. Is it conceivable that the name of King Cynegils, the first Christian king of Wessex, should have been omitted from this poem, the subject of which was the building of Bugge's new church, if he had really been Bugge's grandfather?

It seems clear, therefore, that the Cynegils of the annal of 676 was not the king of the West Saxons of that name. If his father Ceolwulf is to be identified with Ceolwulf Cynricing of the annal of 674, we must assume that some names have been accidentally lost in the annal of 676, the immediate cause of this omission being the similarity of the names Cuthgils and Cynegils. Accordingly, Centwine's pedigree would have to be conjecturally reconstructed as follows: Centwine Cynegilsing, Cynegils Cenferthing, Cenferth Cuthgilsing, Cuthgils Ceolwulfing. Such a reconstruction, however, would be too bold to command general confidence, and, fortunately, it is not necessary. Besides the Ceolwulf of the annal of 674, we have King Ceolwulf, the predecessor of King Cynegils. If King Ceolwulf left a son, who was too young to succeed him in 611, that son may well have been the Cynegils whose son Centwine came to the throne in 676.<sup>1</sup> If we may trust the preface, King Ceolwulf was the brother of Cuthwine Ceawling,<sup>2</sup> and we obtain the pedigree printed on p. 167.

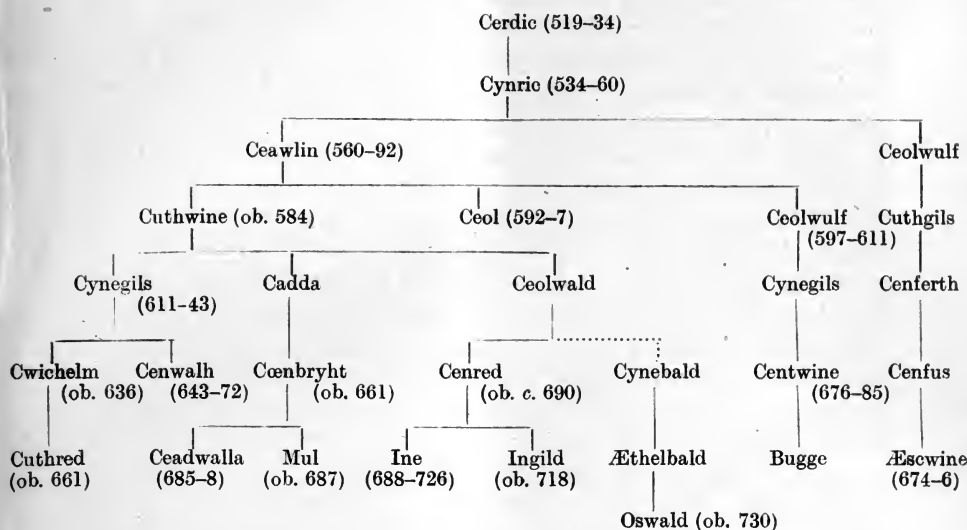
In the tables of the genealogy of the West Saxon kings as they are commonly printed, not only does the rule of succession appear to be chaotic, but kings and athelings whom we know to have been contemporaries are separated by two or more generations.<sup>3</sup> The pedigree now proposed is entirely free from

over in favour of Æscwine, who, if our pedigree is right, also passed over Centwine. In 676 Cenred was again passed over, this time for Centwine. In 685 Ceadwalla was, perhaps, rightly chosen in preference to Cenred, but in 688 we have a still greater surprise, for Cenred is then for a third time passed over and this time in favour of his own son, Ine.

<sup>1</sup> If the text of the annal of 676 is sound, it is almost necessary to assume that Ceolwulf is the king of that name, since all the other genealogical fragments are carried back to the name of a king.

<sup>2</sup> Cynegils Cuthwining was, according to the preface, King Ceolwulf's brother's son.

<sup>3</sup> Thus Æscwine, who reigned from 674 to 676, is placed in the sixth generation from Cynric, while Centwine, who reigned from 676 to 685, is placed in the fourth generation



these objections, and accordingly, although some details may be doubtful, it is clear that we have been guided by a true instinct in distinguishing the annals of 648 to 728 from the rest of the materials furnished by the Chronicle. The genealogical entries of 648 to 728 are, accordingly, to be regarded as the work of a well-informed contemporary author, and consequently not inferior to any other sources that we possess for the West Saxon history of the seventh and eighth centuries.

These genealogical entries, however, cannot be isolated from the annals to which they belong, that is to say, the annals from the conversion of Wessex (635) to the reign of Æthelheard (726-40), or even to the reign of Cuthred (740-54). As the genealogies of Æthelheard and Cuthred are missing, we ought, perhaps, to regard the entries for their reigns as additions by another hand to the work of the author of the genealogies. Professor Chadwick has shown that the annals from 755 to 840, and perhaps to 855, are the work of a writer of the time of King Ethelwulf, and that the compilation of the Chronicle in something like its present form (so far as it relates to Wessex) dates from the same period.<sup>1</sup> It has generally been assumed that the ninth-century chronicler obtained the annals for the period preceding the conversion of Wessex from the same source as that from which he obtained the annals of 635 to 754, but the annals of the period preceding the conversion include genealogical entries under the years 597 and 611,

from the same Cynric. Again, Ceolwulf, the great-great-grandfather of Æscwine, is identified with King Ceolwulf, who died in 611. This is to allow about sixteen years as the average length of a generation.

<sup>1</sup> *Origin of the English Nation*, pp. 25-7.

which are inconsistent with those of 648 to 728. There is reason to believe that these annals of 597 and 611 are ninth-century work. The preface to the Chronicle, Alfredian in its present form, but obviously based upon a document of the time of Ethelwulf, contains material from an early source, independent of the source from which the annals of dates prior to the conversion of Wessex were drawn. This early source, however, though it doubtless gave the kings' names, their order of succession, and the number of years that each reigned, cannot have given the relationship of each king to his predecessor, because the clauses expressing these relationships can be shown to be, in the main, of ninth-century origin. The preface uses a phrase, 'whose kin goes to Cerdic', which corresponds with that which occurs in the annals of 755 and 784, but in none of the other annals. Mr. Chadwick writes :

But between the years 754 and 823 we find probably only five West Saxon entries in sixty-eight years. Moreover, these differ entirely in character from the preceding entries. The entries for 755 and 784 are summaries of reigns which must have been written after the reigns were ended. . . . There seems to be reason therefore for supposing that the materials for the ninth-century chronicle included a collection of West Saxon annals extending to the middle of the eighth century or somewhat later, and that this collection was brought up to date by the addition of a few entries giving summaries of the reigns of Cynewulf and Berhtic, which were of course not beyond the reach of living memory in the time of Æthelwulf.<sup>1</sup>

We may, therefore, reasonably attribute to the time of Ethelwulf the phrase, 'whose kin goes to Cerdic', wherever it occurs in the preface. He used it in all cases where he found a genealogy of a king in the annals of 648 to 728, except in the case of Centwine. He would have been well advised to use it in this case also, but unfortunately he erroneously identified Cynegils the father of Centwine with King Cynegils, and consequently thought it sufficient to add 'Cynegilsing' to Centwine's name. He also used the phrase for Ceolwulf (597-611), but not for Cynegils (611-43), though each of these kings has a genealogy in the annals of the period preceding the conversion. Hence we conclude that the genealogical part of the annal of 611 is not earlier than the ninth century. The other genealogy, that of Ceolwulf, occurs in the annal of 597, which, from its reference to Picts and Scots, appears to be of late origin.<sup>2</sup> The phrase, 'whose kin goes to Cerdic', is also used in the preface for the eighth-

<sup>1</sup> *Op. cit.* p. 26.

<sup>2</sup> Oman, p. 249, suggests that the statement that King Ceolwulf (597-611) fought with Picts and Scots is due to confusion with Ceolwulf of Northumbria (729-37). If so, the annal can hardly have been composed before the ninth century.

century kings Æthelheard, Cuthred, Sigebryht, Cynewulf, and Beorhtric. Since this ninth-century phrase occurs so frequently in the preface it is reasonable to suppose that other phrases in the preface expressing the relationship of kings to their predecessors, and especially the words, 'Ceolwulfes brothur sunu', added to the name of Cynegils, are also due to the Ethelwulfian chronicler. The words, 'Ceolwulfes brothur sunu', may have grown out of a misunderstanding of the annal of 676, from which the chronicler derived 'Ceolwulfes sunu', the word 'brothur' being inserted to bring the statement into harmony with the annal of 688, which postulates, not Ceolwulf, but Cuthwine, as the name of the father of Cynegils. There is no reason, however, why Ceolwulf should not have been the brother of Cuthwine, and accordingly I have accepted the statement in this sense, though I do not altogether trust it.

Apart from the list of kings with the number of years that each reigned, the ninth-century chronicler had one or more written sources from which he derived the names of kings and princes who fought battles, with the names of the places at which such battles were fought and with occasional details as to the name of the enemy, the persons killed, and the results achieved. What chronological information the chronicler found in his sources beyond the length of each king's reign it is difficult to determine. There are traces of an octennial arrangement of the sixth-century battles and a septennial arrangement of the early seventh-century battles, but if the chronicler found this arrangement in his sources, he must have modified it considerably in reducing his materials into the form of annals. We have no less than four dates for the beginning of Wessex, 494, 495, 500, and 519. The two earlier dates are assigned to the invasion, and the two later dates to the establishment of the monarchy, but the primitive tradition is hardly likely to have made this distinction, which may with some confidence be attributed to an effort on the part of the chronicler to harmonize the chronological discrepancies which existed, either in his sources, or in his interpretation of them. If we assume that the pedigree, Cerdic begat Cynric, Cynric Ceawlin, Ceawlin Cuthwine, Cuthwine Cynegils, is correct, we shall see no reason to quarrel with the dates assigned for the reigns of Cerdic (519-34), Cynric (534-60), Ceawlin (560-92), and Cynegils (611-43). Tradition, however, seems to have known other kings; and, accordingly, we have indications of a tendency to introduce additional names. The existence of divergent traditions respecting the origin of the kingdom is indicated by the annal of 501 relative to Port, Bieda, and Mægla, and by the annals of 514, 534, and 544, so far as they relate to Stuf and Wihtgar. The period subsequent to the invasion seems

to have known as kings Creoda and Cwichelm, who are omitted from the regnal table. Creoda's name, indeed, is actually inserted in some of our manuscripts both in the preface and in the annal of 855; while Cwihelmeshlæw, in Berkshire, has preserved the name of Cwichelm, who, as he had a heathen burial, must be distinguished from Cwichelm Cynegilsing, a convert to Christianity. Thus the annal of 593, 'Here Ceawlin and Cwichelm and Crida perished', may be due to a harmonistic effort of the chronicler's.

There is one characteristic of these early annals which deserves notice. The names of the kings and princes whose battles are recorded usually occur in pairs. Sometimes the names of the pairs are alliterative. The practice, already<sup>1</sup> alluded to, of arranging the generations in alliterative pairs continued, indeed, until the time of King Edmund,<sup>2</sup> but its original purpose was, doubtless, mnemonic, and accordingly it belonged to a time when historical records were entrusted, not to writing, but to the human memory, for their preservation. Such records, doubtless, took the form of alliterative verse. The battles which belong to the alliterative class are :

495. Cerdicesora	} Cerdic and Cynric.
508. Natanleah	
519. Cerdicesford	
527. Cerdicesleah	
556. Beranburh	Cynric and Ceawlin.
568. Wibbandun	} Ceawlin and Cuthwine, or Cutha.
577. Deorham	
584. Fethanleah	
614. Beandun	} Cynegils and Cwichelm.
628. Cirenceaster	

Mr. Chadwick thinks that the traditional number of years for the reign of Ceawlin was seventeen.<sup>3</sup> If so, its extension to thirty-two may be due to the octennial arrangements of his battles. The battles of Wibbandun, Deorham, and Fethanleah divide Ceawlin's reign into four periods of approximately eight years each, the fourth octennium being completed by Woddesbeorh (592), when Ceawlin was 'driven out'. The feat of Cuthwulf, recorded in the annal of 571, by which he dispossessed the Britons of Lenbury, Aylesbury, Bensington, and Eynsham, does not belong to the octennial arrangement. It is hardly credible that Buckinghamshire was still in the hands of the Britons in

<sup>1</sup> p. 164, n. 2, above.

<sup>2</sup> Perhaps even to the end of the dynasty. Edmund and Edgar are not strictly alliterative, since the first syllables are identical, but a similar identity occurs much earlier in the case of Cenferth and Cenus.

<sup>3</sup> *Op. cit.* p. 24 n.



571, and it seems likely, therefore, that Cuthwulf lived long before the time of Ceawlin.

In this inquiry into the sources of the early West Saxon annals of the period preceding the conversion of King Cynegils, I have merely attempted to collect such indications as may help to illustrate the character of the materials which lay before the ninth-century chronicler. I have, in general, tried to avoid dealing with the dates assigned by the chronicler to the individual entries and with the historical worth of the entries themselves. There is, to all appearance, a connexion of some kind between the entries relating to Kent (449-88) and Sussex (477-91), and those relating to the commencement of Wessex and the reigns of Cerdic and Cynric (495-560). Not only are there curious resemblances in the general ideas and the wording of these entries, but there is also a puzzling conformity in the arrangement of their dates;<sup>1</sup> and a suspicion may arise that the chronicler, having hit upon 449 as the date for the invasion of Kent and 560 as the date for Ceawlin's accession, was influenced in some degree by a desire to distribute his materials as evenly as possible between those dates.

G. H. WHEELER.

<sup>1</sup> Chadwick, p. 36 and p. 24 n. I do not share Mr. Chadwick's suspicion of what he calls the etymological element in these annals. I think that the local names are derived from old poems or versified records with the rest of the entries to which they belong, and that many of these local names existed only in the poet's imagination; compare Mr. Stevenson's remarks on the temporary character of the name 'Fethanleah', *ante*, xvii. 637 n.

## *The War Finances of Henry V and the Duke of Bedford*

THE distinctive feature of Henry V's military achievements is the continued effort which he maintained during a series of years<sup>1</sup> in a foreign and conquered country. His policy in this respect stands in marked contrast to that of Edward III, whose expeditions into the enemy's country never became more than raids on a large scale. Henry's campaigns show a deliberate scheme for occupying Normandy, a scheme carried out with some regard for strategy, backed by statesmanlike policy, supplemented by skilful diplomacy, and maintained during Henry's lifetime with an adequate force supported by regular levies of men and money, raised first from England and later from Normandy. The French failure successfully to combat the invader may in part be ascribed to the fact that the Armagnacs and Burgundians alike depended on mercenary armies which dispersed every autumn and had to be re-formed every spring; but the chief advantage enjoyed by the English king lay in the fact that, while his opponents were most of the time financially embarrassed, he had a sufficiency of money. This enabled him not only to raise an army but also to keep it under his control.<sup>2</sup> Compared with the financial difficulties of his predecessor Henry's 'success in obtaining money, men, and ships' was 'little less than miraculous'.<sup>3</sup>

That the French war was popular seems evident from the readiness with which parliament voted supplies, although until 1417 but little advantage had been gained beyond the prestige resulting from Agincourt and the capture of Harfleur, the retention of which place proved a drain upon the treasury.<sup>4</sup> Under

<sup>1</sup> Only the years 1417 to 1424 are under consideration because these form a period in which there was a single military problem, namely the conquest and retention of Normandy.

<sup>2</sup> See Newhall, 'Discipline in an English Army of the Fifteenth Century', in *The Military Historian and Economist*, ii. 141 ff.

<sup>3</sup> Stubbs, *Constitutional History of England*, 5th ed., iii. 90. For a general discussion of Henry's finances see Ramsay, *Lancaster and York*, i. 310-21, and *Antiquary*, viii. 96.

<sup>4</sup> From 5 December 1415 until 2 March 1417 Harfleur cost £15,507 10s. 1½d.

the grants of November 1415, March and October 1416, sums were collected amounting, with the ordinary revenue, to £216,868 9s. 10d.<sup>1</sup> No subsequent year of the reign, despite the Norman campaigns, saw such heavy taxation.<sup>2</sup> Nevertheless, the cost of maintaining Harfleur, of negotiating with Sigismund and Burgundy, of organizing the naval expedition of 1416, and of preparing that of the subsequent year, brought the total expenditures up to £256,885 15s. 10d., thus causing a deficit of over £40,000. The session of October 1416 had voted two tenths and two fifteenths to be levied in February and November 1417, with authority to raise loans on this prospective income.<sup>3</sup> The convocation of Canterbury voted two tenths and that of York voted one.<sup>4</sup>

<sup>1</sup> Public Record Office, Receipt Rolls 672, 675. The figures utilized are those entered in the Receipt and Issue Rolls, and the years are financial years, i. e. from Easter to Easter. It is notorious that the clerks of the exchequer manipulated their accounts and made the entries on the rolls to suit their book-keeping (see *Antiquary*, viii. 96-7 and *Proceedings of Soc. of Antiq.*, 2nd series, xxv. 37). The actual figures, therefore, must always be taken with reservations. Since, however, our interest lies in the fluctuations of taxation, borrowing, and expenditure in relation to events, rather than the investigation of individual items, an attempt to correct the figures in the rolls by addition or subtraction would be more likely to produce confusion than to bring us nearer to the truth. Certainty that all the manipulations of the record had been discovered would be impossible even if the records were complete, and some of the rolls are fragmentary, with the official totals preserved but not all the entries. It seems, therefore, that for the purposes of this study the recorded figures must be considered the best available.

<sup>2</sup> Financial summary :

	REVENUE.						
	1416.	1417.	1418.	1419.	1420.	1421.	1422.
	£	£	£	£	£	£	£
Laity	101,893	50,121	38,794	38,373	8,237	15,098	15,100
Clergy	34,837	22,984	17,580	19,578	5,291	14,198	1,424
Loans	23,425	34,766	322	5,353	3,451	40,899	14,126
Miscellaneous	56,712	48,031	82,227	66,264	63,452	73,089	49,530
Total	216,868	155,905	138,925	129,570	80,433	143,284	80,181
Deficit	40,017		10,676		38,954		5,726
Surplus		4,616		45,661		5,160	
	EXPENDITURE.						
Household	97,483	26,490	11,768	14,242	18,076	45,519	26,660
War	125,571	95,123	120,993	41,559	75,562	55,662	26,652
France	81,185	70,637	77,001	8,536	41,419	23,099	8,912
Navy	26,138	6,725	10,548	8,988	7,653	2,326	1,084
Total	256,885	151,288	149,601	83,908	119,387	138,124	85,908

The Receipt Roll for Easter term 1419 goes only to 25 August, and that for Easter term 1421 goes only to 3 August, consequently the revenues for those years, and the resulting surpluses, must have been larger than the figures indicated. In like manner the roll for Michaelmas term 1422 covers only the period from 5 October 1422 to 4 March 1423, so that there may have been no deficit at all. In the table of expenditures the sums under France and navy are included in those under war. Receipt Rolls 672, 675, 677, 680, 683, 686, 689, 692, 693, 694, 696, 698, 701, 702, 703; Issue Rolls 624, 629, 630, 633, 636, 638, 640, 643, 645, 646, 649, 652, 655, 659.

<sup>3</sup> *Rotuli Parliam.* iv. 95; Kingsford, *ante*, xxix. 511-13.

<sup>4</sup> Wilkins, *Concilia*, iii. 377, 380.

Early in March 1417 the king began to borrow to meet immediate war expenses, granting the Londoners half the wool subsidy in return for half of a loan of 10,000 marks.<sup>1</sup> By letters under the privy seal he summoned leading men of the realm to meetings at Reading and Salisbury to make him loans.<sup>2</sup> Similar missives went to all the clergy, from archbishops to chaplains, requesting them to advance money to the royal commissioners appointed to receive the same,<sup>3</sup> and in May messengers were sent to get the money.<sup>4</sup> There was no escaping these royal 'requests', for the commissioners had the authority to assess the amounts to be borrowed,<sup>5</sup> and men who had promised to pay were not permitted to neglect their pledges.<sup>6</sup> With the assembling of the army the need for money to pay the soldiers necessitated renewed borrowing,<sup>7</sup> and funds were secured from the Londoners by pawning to them a jewelled sword,<sup>8</sup> from other cities,<sup>9</sup> from wealthy prelates and ecclesiastics on other and similar securities,<sup>10</sup> and from foreign merchants.<sup>11</sup> Again, when the expedition which conquered Normandy was about to sail, commissioners were sent out to raise another loan throughout the country, but after two months they could report only failure, because the persons approached pleaded poverty.<sup>12</sup> The sum total borrowed during Easter term (11 April—29 September) 1417 was £34,146 17s. 7d., of which more than two-thirds was obtained from a few individuals.<sup>13</sup> In addition, the ransoms obtained from the captive French nobles taken at Agincourt still further augmented the revenue, providing large sums which, when coming to the king, furnished means for prosecuting the war, and when accruing to English captains gave them and

<sup>1</sup> *Calendar of the London Letter Books*, i. 176: Issue Roll 629, m. 16; *Calendar of the Patent Rolls, Henry V*, ii. 67: Issue Roll 633, m. 1. The last reference records the repayment on 4 October 1417 of the 5,000 marks not covered by the wool subsidy grant.

<sup>2</sup> Issue Roll 630, m. 2. In Issue Roll 633, mm. 3, 4, 7, 8, 14, 18, is record of repayment to six individuals of sums borrowed in March.

<sup>3</sup> Kingsford, *ubi supra*.

<sup>4</sup> Issue Roll 630, m. 2.

<sup>5</sup> British Museum, Cotton. MS., Cleopatra F. vi, fo. 228 (old foliation 289).

<sup>6</sup> Sloane MS. 4601, fo. 54.

<sup>7</sup> Cott. MS., Cleop. F. vi, fo. 228 (old foliation 289).

<sup>8</sup> *Cal. of London Letter Books*, i. 202, 214.

<sup>9</sup> *Cal. of Pat. Rolls, Henry V*, ii. 111.

<sup>10</sup> *Ibid.* pp. 112, 279; Rymer, *Foedera*, ix. 460-1; *Rotuli Parliamenti*. iv. 111.

<sup>11</sup> The Florentines provided 13,333 'scutis boni et puri auri' (Chancery Enrolment 267, Close Roll, 5 Henry V, m. 16<sup>d</sup>).

<sup>12</sup> Rymer, ix. 499-500.

<sup>13</sup> Receipt Roll 677 *passim*. Computing the gold crown at 7s. (Kenyon, *Gold Coins of England*, p. 211), there remains only £9,487 17s. 7d. unaccounted for from the preceding references. During the same term there is recorded repayment of loans to the extent of £8,182 3s. 4d. (Issue Roll 633). In the preceding term £18,500 had been borrowed and £19,000 repaid (Issue Roll 629; Receipt Roll 675).

their fellows a new incentive to support the plans for further conquest.<sup>1</sup>

As the war progressed, parliament renewed the taxation which had been inaugurated to fit out the invading army. Allusion has already been made to the collections of February and November 1417 under the vote of the previous October.<sup>2</sup> By parliamentary action in December 1417,<sup>3</sup> supplemented by votes of the two convocations,<sup>4</sup> a tenth and fifteenth was levied in February 1418 and another in 1419. In 1420 there were two collections, a whole tenth and fifteenth in February, and a third of the same in November.<sup>5</sup> Authority to contract loans upon the security of these levies having been accorded when the grants were voted, commissions to negotiate such loans were immediately issued,<sup>6</sup> but the results amounted to little.<sup>7</sup> Not until the spring of 1421, when the disaster of Baugé made an expedition imperative, and that in a year when no new subsidy was to be collected,<sup>8</sup> did the king resort to extensive borrowing. Over £40,000 was thus obtained during the Easter term (23 March–29 September 1421),<sup>9</sup> of which £14,000 came from the bishop of Winchester.<sup>10</sup> It is against this levy of forced loans<sup>11</sup> that Adam of Usk inveighs so bitterly.<sup>12</sup> Parliament, meeting in May, authorized the royal council to give security for the debts thus contracted.<sup>13</sup> At the end of the year, however, the burden of Henry's campaigns, with the prospect of more fighting to come, necessitated another vote of a tenth and fifteenth to be collected by halves in February and November 1422,<sup>14</sup> and another tenth from the clergy.<sup>15</sup> The income from this grant was

<sup>1</sup> Rymer, ix. 442, 446; Hardy, *Rotuli Normanniae*, p. 217; Brit. Mus., Additional Charters 72, 11434, 11448; Issue Roll 633, m. 11; *La Tremouille pendant Cinq Siècles*, i. 134.

<sup>2</sup> Under the February levy was collected £73,500 3s. from the laity and £32,812 7s. 7d. from the clergy (Receipt Rolls 675, 677). The November collection of 1417, together with early returns for February 1418, brought in £42,397 14s. 10d. from the laity and £9,238 18s. 10d. from the clergy (*ibid.* 680). No deductions have been made for arrears of former levies.

<sup>3</sup> *Rotuli Parliam.* iv. 107.

<sup>4</sup> *Second Report of the Deputy Keeper*, app. ii. 188; Wilkins, iii. 381, 389.

<sup>5</sup> *Rotuli Parliam.* iv. 117.

<sup>6</sup> Rymer, ix. 815; *Cal. of Pat. Rolls, Henry V*, ii. 249–52.

<sup>7</sup> In the three terms from Michaelmas 1419 to Easter 1421 only £7,871 3s. 9d. was borrowed, while nearly twice the sum is recorded (£14,460 8s. 10d.) as used in repaying debts (Receipt Rolls 692, 693, 694; Issue Rolls 643, 645, 646).

<sup>8</sup> The parliament of December 1420 had not been asked for a new grant of money (*Rotuli Parliam.* iv. 123).

<sup>9</sup> Receipt Roll 696; *Cal. of Pat. Rolls, Henry V*, ii. 372, 384–6; Sloane MS. 4603, fo. 93.

<sup>10</sup> *Rotuli Parliam.* iv. 132; *Cal. of Pat. Rolls, Henry V*, ii. 372.

<sup>11</sup> Rymer, x. 96; *Proceedings and Ordinances of the Privy Council*, ii. 280–1.

<sup>12</sup> *Chronicon Adae de Usk* (ed. Thompson), 2nd ed., pp. 133, 320.

<sup>13</sup> *Rotuli Parliam.* iv. 130.

<sup>14</sup> *Ibid.* p. 151; *Cal. of Pat. Rolls, Henry V*, ii. 416–17.

<sup>15</sup> Wilkins, iii. 399, 403.

distinctly disappointing,<sup>1</sup> and the collection of the clerical tenth met with open resistance.<sup>2</sup> Obviously England demanded a respite from taxation. The necessity, therefore, of establishing the new régime after Henry's death caused the Lancastrian princes to refrain from making demands for money on parliament, and to attempt to throw the entire financial burden of the war upon the conquered parts of France and Normandy. The first payment of wages to the reinforcements of 1423 must have been made from the ordinary receipts, while for those of 1424 the government borrowed from the bishop of Winchester, mortgaging to him the wool subsidy, and diverted over two-thirds of the king's household expenses to the needs of the war.<sup>3</sup> Not until the crisis at the end of 1429 did the English government again resort to direct taxation.<sup>4</sup>

If we consider the period as a whole, it is patent that, despite the continuance of the war, the financial burden which Henry's ambition placed upon his kingdom tended to become lighter as he extended his authority in France.<sup>5</sup> The heaviest taxation came in 1416, when a considerable effort was necessary merely to hold the conquests of the previous year. In the four subsequent years there was a steady decline in the sums collected or borrowed, with a tendency to augment the revenue from miscellaneous sources, until the new expedition of 1421 required additional funds. Even then it does not seem probable that the taxation as a whole was as heavy as in 1417, and the greater part of it was derived from those best able to pay, that is, by forced loans, and by increasing the miscellaneous revenue. From 1418 the real burden of the war was being gradually shifted to Normandy. Nevertheless, at Henry's death, the English exchequer was confronted with a deficit of some £30,000 accumulated during the

<sup>1</sup> The sum collected (£29,920) in the three terms beginning at Michaelmas 1421 is £6,000 short of what Ramsay considers the average for such a collection, and this without subtracting the arrears (Receipt Rolls 698, 701-3; *Antiquary*, viii. 96).

<sup>2</sup> *Cal. of Pat. Rolls, Henry VI*, i. 6. The commons had complained in May 1421 (Cobbett, *Parliamentary History*, i. 339).

<sup>3</sup> *Cal. of Pat. Rolls, Henry VI*, i. 214, 227; *Privy Council Proceedings*, iii. 135, 144, 146.

<sup>4</sup> *Rotuli Parliam.*, iv. 336-7; Wilkins, iii. 515.

<sup>5</sup> The following table will make this clear by illustrating the ratio of the war expenses to the total revenue of England:

	1416.	1417.	1418.	1419.	1420.	1421.	1422.
Household	37-94	17-58	7-86	15-78	15-15	32-95	31-03
French war	31-79	46-68	52-13	10-17	34-84	16-71	10-37
Navy	10-56	4-44	7-05	10-78	6-41	1-68	1-26
	80-29	68-70	67-04	36-73	56-40	51-34	42-66

It should be remembered that under household and navy there are necessarily many items which represent normal, as distinguished from war, expenditure. Under French war are included all expenditures for ordnance, material, &c. some of which would apply to home defence on the borders. See above, p. 173, n. 3.

period 1416-22, while the outstanding debts for the same period amounted to £25,434, not to mention the great number of 'unpaid bills' for the Agincourt year.<sup>1</sup>

Financial administration was conducted, in England under the immediate direction of the exchequer, in the field by the treasurer of war. Such division brought most of the naval expenditure under the purview of the home treasury, inasmuch as the Channel squadrons had their bases in England, and arrangements for transport would naturally be made on the English side of the Channel. Certain naval charges, however, would necessarily fall upon the head-quarters treasury when vessels, either of transport or war, were kept for service in Norman waters or up the Seine.<sup>2</sup>

Apparently the treasurer of war was the representative in the field of the royal exchequer. At the same time he was treasurer of the household, which meant that he was head of both the wardrobe and the 'camera regis'. It seems clear that the household organization provided the mediaeval equivalent for a general head-quarters with paymaster's, commissary's, and quartermaster's 'departments', the whole being under the direction of the treasurer of war. It is noticeable, however, that only infrequently were sums issued from the exchequer to the treasurer of war in that capacity, namely the large amounts sent over to pay the troops.<sup>3</sup> In the accounts these would be supplemented by the sums charged to the treasurer's account and paid out in England to troops sent as reinforcements.<sup>4</sup> On the other hand, money was constantly being issued in large and small amounts, as 'household expenses', to the treasurer of war in his other capacity. There were also repeated payments into the 'camera regis'. As to how this money might be used we get occasional indications when the Issue Rolls designate a certain sum as intended for bows and arrows,<sup>5</sup> or 'pro secretis expensis'; and once they record payment from the 'camera' to the treasurer of Harfleur, apparently for the ordinary expenses of the town.<sup>6</sup>

<sup>1</sup> See above, p. 173, n. 3.

<sup>2</sup> Some of the naval accounts record payment by the treasurer of war (Exchequer Accounts, 48/21, 48/22, 48/27, 49/7). Probably these represent payments to mariners to whom wages were due at the end of the voyage to Normandy. Similarly, the account of Sir William Philip, treasurer of war in 1421, records payments to sailors on the vessels which brought Bedford's forces to France (Foreign Accounts, 69 G<sup>r</sup>, mm. 1-2). The account of the royal balingier *Nicholas de la Tour* contains record of payment, now by the treasurer of the exchequer, now by the treasurer of war (Exchequer Accts. 49/10). The master of the *Edmund de la Tour* appears in Philip's account as having been paid regularly like any military captain (Foreign Accts. 69 H<sup>r</sup>, m. 2).

<sup>3</sup> Issue Roll 636, m. 15; 638, mm. 11, 18.

<sup>4</sup> This is illustrated by the detailed statement of wages paid by the exchequer to Bedford's contingent in February-March 1422, which appears as both receipt and expenditure in Philip's account (Foreign Accts. 69 F, I).

<sup>5</sup> Issue Roll 640, m. 11. <sup>6</sup> Issue Roll 655, m. 16; Exchequer Accts. 48/8<sup>2</sup>.

Usually there is a mere record of the sum, often a large one, and the fact that it was conveyed to the king in France.<sup>1</sup> Probably the intention was to keep the royal head-quarters supplied with money which could be spent at discretion.

Normandy under the French kings was a separate division of the kingdom, and the English found there an administrative and financial system ready to their hands. There were seven 'bailliages', the Cotentin, Caen, Alençon, Evreux, Rouen, Gisors, and Caux, whose heads, the 'baillis', administered justice, executed the royal ordinances, and led the local militia. Each 'bailliage' was subdivided into 'vicomtés'. For the 'vicomte' the most important duty was the administration of the royal domain, which meant the collection of the ordinary revenue from the king's manors and vassals, and the payment of the same into the 'chambre des comptes' at Caen. To these ordinary revenues had been added, during the first half-century of the Valois period, the extraordinary imposts of the 'aides' (taxes on sales and beverages), the 'gabelle', and the 'fuage', which necessitated the creation of other financial agents. The 'aides' were farmed to the highest bidder, but the 'gabelle' called for the erection of salt granaries under 'grènetiers' and 'contrôleurs'. Likewise the 'fuage' required special agents. Assessment was by parishes, and actual collection by certain men of the parish called 'élus'. These made payment to the 'sergents', who ordinarily were underlings of the 'vicomtes', but who in this instance acted as subordinates to the receivers, the officials appointed to take in this revenue, whose bailliwick corresponded to the 'vicomtés'. This latter tax still retained a feature of its extraordinary character in that it was not permanent but was levied only in time of need by the consent of the local estates. With this administrative system already in existence, it was necessary for the English conqueror merely to substitute his own countrymen or partisans for the officials of Charles VI in order to avail himself of the Norman resources.

How the financial administration which Henry established in Normandy was articulated with the treasury of war is not clear until the end of the period under consideration. The records for the first years, when Sir John Tiptoft was president of the Norman exchequer<sup>2</sup> and John Golafre was receiver-general of finances,<sup>3</sup> are almost completely lost. When William Alington became treasurer-general of Normandy<sup>4</sup> he replaced Tiptoft and Golafre, but his first account (1 May 1419—30 April

<sup>1</sup> Issue Rolls 624, m. 14; 633, m. 3; 645, m. 14; 655, m. 2. H. Ellis, *Original Letters*, 2nd series, i. 82.

<sup>2</sup> See below, p. 181, n. 7.

<sup>3</sup> See below, p. 182, n. 7.

<sup>4</sup> See below, p. 187, n. 3.



1420) gives no indication of any payments to the royal headquarters, and does show that all but 5,121 livres tournois 6s. 11d. of the Norman revenue was expended for Norman affairs.<sup>1</sup> On the other hand, a comparison of Alington's fourth account<sup>2</sup> with that of the treasurer of war<sup>3</sup> for about the same period shows that the former paid nothing towards the household expenses except for provender bought at the royal order,<sup>4</sup> while Sir William Philip, the treasurer of war, gives statements of receipts from the Norman chancery, from the Rouen mint, from the ransom of Rouen, and from the 'vicomtes', 'baillis', and other officials in France and Normandy. Evidently not all the Norman revenue passed through Alington's hands.

By 1423-4, however, official relations between the civil and military administration, in matters of finance, are more apparent. The account for that year of Pierre Surreau, the receiver-general,<sup>5</sup> shows payment of over 70,000 livres tournois to John Barton, treasurer of Bedford's household, of which 29,437 livres tournois 10s. were for wages to be paid to the household troops,<sup>6</sup> and 52,000 livres tournois were for 'household expenses'. That this was part of the regular budget seems evident from the fact that payment was made from revenue derived from the 'gabelle' and the 'aides', which were part of the regular annual income, not from the extraordinary levy, and from the fact that similar assignments were made in 1425 and 1429.<sup>7</sup> It must be recalled, however, that the death of Henry V marks a change in financial policy whereby the costs of the war were almost entirely shifted to Normandy and France. Consequently, in spite of this evidence from Surreau's account, there still remains uncertainty as to the administrative details of the process by which Norman receipts were used by the army in the field in Henry's time. Suffice it to say that the treasurer of war's chief function was to act as paymaster for troops not in garrison. With the establishment of a Norman financial system, the garrisons were paid by the Norman officials out of the Norman revenues

<sup>1</sup> Exchequer Accts. 187/14, fo. 35<sup>v</sup>. The one exception is 200 livres tournois paid by the 'vicomte' of Conches to the clerk of the king's butler (*ibid.* fo. 3).

<sup>2</sup> *Ibid.* 188/7.

<sup>3</sup> Foreign Accts. 69 F ff.

<sup>4</sup> Exchequer Accts. 188/7, fo. 28<sup>v</sup>.

<sup>5</sup> See below, p. 192, n. 5.

<sup>6</sup> Bibliothèque Nationale, Fonds Français, 4485. This was part of the sum of 35,750 livres tournois to support a force of 100 men-at-arms and 300 archers for one year. Did the remaining 6,312 livres tournois 10s. come from the French revenue?

<sup>7</sup> C. de Beaupaire, 'De l'administration de la Normandie sous la domination anglaise', in *Mémoires de la Soc. des Antiquaires de Normandie*, t. xxiv, 172. This learned author's allusion to this payment as a 'dotation' makes it seem probable that he did not appreciate the administrative functions of the household: Ritter, 'Extraits du Journal du Trésor' (*Bibliothèque de l'École des Chartes*, lxxiii), p. 475.

as long as they were on duty in their fortresses. If they too were summoned to the royal standard they came under the financial jurisdiction of the treasurer of war and were paid like other captains.<sup>1</sup>

In further considering the question of war finance we find that the war itself proved profitable, and that the English king early took steps to make the conquered country contribute towards the expenses of his campaigns. From the sale of all prizes taken at sea the king was entitled to a fourth, besides a share of the captured cargoes.<sup>2</sup> By agreement with his captains the king received a third of their 'gains of war', that is, booty and ransoms.<sup>3</sup> These 'gains' were no inconsiderable item in the profitability of the war to the individual captains.<sup>4</sup> Agincourt had demonstrated what enormous profits could be got from captives of high rank. Prisoners of royal blood were reserved for the king, but others, distinguished or not, were bought and sold on speculation.<sup>5</sup> In these transactions the king participated, but the income derived does not appear to be recorded.<sup>6</sup> In addition the king had the indemnities exacted from conquered towns in punishment for their resistance. Louviers was the first to suffer, the sum of 8,000 écus being imposed 5 July 1418, half to be collected on 1 August and half on 1 November.<sup>7</sup> On the surrender of Rouen 300,000 écus were demanded from the citizens, of which the first payment of 133,333 écus 10 sols was made to the royal 'coffrier' on 21 July 1419.<sup>8</sup> This amount was not obtained until steps had been taken to coerce the citizens,<sup>9</sup> and subsequent

<sup>1</sup> This is clearly illustrated by a passage in Surreau's account in regard to 'pluseurs parties de deniers qui avoient este paieez par Jehan Barton, Tresorier de l'ostel de monsr le Regent . . . aux cappitaines . . . pour alez devant Compiengne', the captains mentioned being the 'bailli' of Rouen and the captain of Gisors (Bib. Nat., Fonds Français, 4485, fo. 129).

<sup>2</sup> Exchequer Accts. 48/14, ff. 2, 3; 187/14, fo. 13<sup>v</sup>.

<sup>3</sup> See an indenture of 1415 in Rymer, ix. 232; Hardy, p. 219; and *Calendar of the Norman Rolls in Forty-second Report of the Deputy Keeper*, p. 315. In Surreau's account it appears that these were charged on the captain's wages (Bib. Nat., Fonds Français, 4485, ff. 204, 207, 209, and *passim*).

<sup>4</sup> For numerous safe-conducts of prisoners going to seek their ransoms see Hardy, *Cal. of Norm. Rolls*, and *Cal. of French Rolls*, *passim*. See above, p. 175, n. 1.

<sup>5</sup> *Chronique du Religieux de St. Denis*, ed. Bellaguet, v. 568.

<sup>6</sup> Hardy, p. 160; Exchequer Accts. 187/14, fo. 13<sup>v</sup>.

<sup>7</sup> *Rôles Normands et Français et autres Pièces tirées des Archives de Londres par Bréquigny en 1764, 1765, et 1766* (*Mém. de la Soc. des Antiq. de Norm.* xxiii), no. 1004.

<sup>8</sup> Chéruel, *Histoire de Rouen sous la Domination Anglaise au Quinzième Siècle*, pp. 41, 55-6, notes. In 1421 Sir William Philip valued the 'écu' from Rouen at 25s. sterling (Foreign Accts. 69 F<sup>v</sup>). At this rate the Louviers ransom was worth £10,000, the Rouen ransom £375,000, and the first payment thereof £166,666, considerably more than the total receipts of the English Exchequer for any year following 1416.

<sup>9</sup> On the collection of the ransom see Chéruel, pp. 57-61, notes; *Rôles de Bréquigny*, 600, 691; L. Fallue, *Histoire Politique et Religieuse de l'Église Métropolitaine et du Diocèse de Rouen*, ii. 340.

efforts to enforce payment were evidently disappointing.<sup>1</sup> The only other ransom of which there is mention is one of 400 écus laid upon St. Valery-en-Caux, which the king, wearied by the difficulties which he was encountering at Rouen, granted to an English soldier, provided he could collect the money.<sup>2</sup>

More important were the steps taken to collect revenue from the conquered parts of Normandy. The royal domain of the French kings came at once, by the logic of Henry's pretensions, into English hands. At first we find a special agent appointed to collect from a particular locality, a practice which may also have been connected with an attempt to organize the supply of the army.<sup>3</sup> The permanent administrative organization came later when success had given assurance of actually occupying the country. This can be followed by observing the succession of appointments made by Henry of civil officials whose primary duties were the maintenance of order and the collection of revenue. This began, early in the campaign, during the king's first sojourn at Caen with the appointment of a seneschal at Bayeux,<sup>4</sup> who, a fortnight later, appointed a 'vicomte'.<sup>5</sup> Caen, being the English base, remained under military rule until the completion of the Alençon campaign, when a 'bailli' and 'vicomte' were installed there.<sup>6</sup> On 1 November 1417 Sir John Tiptoft became president of the Norman exchequer,<sup>7</sup> and on 14 January 1418 Sir Lewis Robessart was appointed master of waters and forests.<sup>8</sup> Throughout the campaign which culminated in February at Falaise the process of organizing the conquered districts continued. By 4 February, when the last resistance was over, there were 'vicomtes' over Auge, Orbec, Berny, Caen, Bayeux, St. Sylvain, Condé-sur-Noireau, Falaise, Argentan, Exmes, and Alençon,<sup>9</sup> indicating English control of a region comprising roughly the Calvados and the middle section of the Orne. From that date military organization followed close on the army's heels. Alençon, Exmes, Perche, and St. Sylvain were

<sup>1</sup> For payments in 1421-2, see Foreign Accts. 69 Fv. In October 1430 there was still an unpaid balance of 24,000 'salus' (*Letters and Papers illustrative of the Wars of the English in France*, ed. J. Stevenson (Rolls Series), II. i. 154.

<sup>2</sup> *Cal. of Norm. Rolls*, 41. 800.

<sup>3</sup> Hardy, pp. 173, 194.

<sup>4</sup> *Ibid.* p. 320.

<sup>5</sup> *Ibid.* p. 218.

<sup>6</sup> Henry appointed Sir Gilbert Umfraville captain of Caen 30 September 1417 (Hardy, p. 159). In a document of 6 December 1417 there is explicit mention of a 'vicomte' at Caen (*ibid.* p. 370). Carel, *Hist. de la Ville de Caen (Philippe II-Charles IX)*, pp. 297-8, and La Rue, *Essais Historiques*, II. 266, declare that the French 'vicomte', Gilles à l'Espee, exercised his office only up to the fall of the city in September, and that Jean Anzeré was appointed by Henry in 1418. Probably Anzeré was appointed in 1417. Alington mentions receipts from him for 1417 (Exchequer Accts. 187/14, fo. 3), which may have been for arrears. On 24 December 1417 Sir John Popham became 'bailli' of Caen (Hardy, p. 231).

<sup>7</sup> *Ibid.* p. 205.

<sup>8</sup> *Ibid.* p. 256.

<sup>9</sup> *Ibid.* p. 365.

formed into a bailliage under Sir Roland Lenthale early in March.<sup>1</sup> A 'bailli' for the Cotentin was appointed in anticipation of a quick and easy conquest,<sup>2</sup> while a series of 'vicomtes' followed Gloucester's victorious advance upon Cherbourg.<sup>3</sup> Meanwhile the successful push eastward in May 1418 enabled Henry to bring under his administrative as well as military control the valleys of the Rille and Eure.<sup>4</sup> At the same time the organization of a central administration, begun already by the appointment of Tiptoft and Robessart, continued with the appointment of a mint-master,<sup>5</sup> a chancellor,<sup>6</sup> and a receiver-general.<sup>7</sup> By the middle of 1418, then, the four 'bailliages' of Lower Normandy and their component 'vicomtés', with the exception of Cherbourg and Domfront, were under English administration, while at Caen there was a 'supreme court' for administering justice, and a treasury to direct the collection and disbursement of the duchy's revenues.

Organization in Upper Normandy followed close upon military occupation. A 'bailli' was set over Rouen before the capital of the 'bailliage' had actually surrendered,<sup>8</sup> while a 'vicomte-receveur' was commissioned by the end of the month.<sup>9</sup> Sir Roger Fenys became 'bailli' of Caux on 23 January 1419,<sup>10</sup> and by the end of February there were 'vicomtes-receveurs'<sup>11</sup> at Arques and Longueville,<sup>12</sup> Neufchâtel and Gournay,<sup>13</sup> Caudebec,<sup>14</sup> and Gisors and Vernon.<sup>15</sup> To these, orders went out to collect all arrears due from the royal domain, especially for

<sup>1</sup> Hardy, p. 258.

<sup>2</sup> 14 March 1418 (*Rôles de Bréquigny*, 326).

<sup>3</sup> Vire (Exchequer Accts. 187/14, fo. 4<sup>r</sup>; *Cal. of Norm. Rolls*, 41. 710), Carentan (Vautier, *Extrait du Registre des Dons, etc., faits dans le Duché de Normandie, pendant les Années 1418, 1419, et 1420*, p. 28), Mortain and Valognes (*Cal. of Norm. Rolls*, 41. 710, 712).

<sup>4</sup> On 2 June Sir John Radclyf became 'bailli' of Évreux (*Rôles de Bréquigny*, 126; *Cal. of Norm. Rolls*, 41. 713). By a scribe's error this appointment was dated in the Chancery Roll 2 May. The error is patent when we note that the document was issued from Bernay, whereas other documents of 2 May were issued from Caen (*Cal. of Norm. Rolls*, 41. 684, 710). That the error is in the roll appears from the agreement of the *Calendar* and the *Rôles de Bréquigny*. It is noteworthy that the preceding nine documents on the roll are dated May. In May and June 'vicomtes' and 'receveurs' were appointed for Verneuil and Châteauneuf (*Rôles de Bréquigny*, 161), Évreux, Beaumont-le-Roger, Conches and Breteuil, Bernay and Monstreul (*ibid.* 1198). For Bernay see also Hardy, p. 365. A 'bailli' of Louviers was appointed 12 July (*Rôles de Bréquigny*, 211).

<sup>5</sup> Hardy, p. 270.

<sup>6</sup> *Cal. of Norm. Rolls*, 41. 710.

<sup>7</sup> 20 May 1418, John Golafre (*Cal. of Norm. Rolls*, 41. 712).

<sup>8</sup> 2 January 1419 (*Rôles de Bréquigny*, 1215).

<sup>9</sup> *Ibid.* 1222, 378.

<sup>10</sup> *Alias Fieules (ibid.* 732; *Cal. of French Rolls*, 44. 620).

<sup>11</sup> The combination of these offices was followed to a considerable extent in Lower Normandy also from 1419 (*Rôles de Bréquigny*, 544, 903, 986, 1300, 1317; *Cal. of Norm. Rolls*, 41. 747, 759; 42. 313, 317).

<sup>12</sup> *Rôles de Bréquigny*, 1222.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.* 290.

<sup>15</sup> *Ibid.* 1222.

the previous Easter and Michaelmas terms,<sup>1</sup> during which probably little had been collected because of the war. At the same time the 'baillis' of both Upper and Lower Normandy were directed to proclaim by the sound of the trumpet that all lands and possessions of nobles and clergy who had failed to swear fealty to Henry would be taken into royal hands and the income collected 'comme nostre propre demaine'.<sup>2</sup> Consequently in the following June all the 'baillis' were ordered to seize all lands whose owners could not show letters patent from the king.<sup>3</sup> Already in the previous August, for the 'bailliage' of Évreux at least (and probably for the other 'bailliages'), orders had been issued to lease the royal lands and to send in the names of the lessees.<sup>4</sup> Other estates, as at Neuilly-l'Évêque, might be left to be administered by the English captain of the local castle, the returns being utilized to support the garrison and any surplus paid over to the treasury.<sup>5</sup>

To the income from domain can be added that derived from the exercise of regalian rights over the church. Of the six bishops of Lower Normandy, only the bishop of Séez made prompt submission.<sup>6</sup> The possessions of the other five came into royal hands and remained there for several years awaiting the owner's profession of obedience to the new régime, or the election of less obstinate prelates.<sup>7</sup> In similar fashion property belonging to abbeys, collegiate churches, and other foundations was, in many cases, taken into the king's hands. Restoration, however, was not so long delayed as with the episcopal temporalities, because submission to the conqueror appears to have been more prompt. Frequently churchmen were granted the custody of, or licence to enjoy, their property before receiving complete restitution. A preliminary to restoration was a presentation to the treasury of an account ('aveu') of the temporal possessions.<sup>8</sup> But

<sup>1</sup> 6 February 1419 (Norman Rolls, 10, 6 Henry V, pt. ii, m. 37<sup>d</sup>).

<sup>2</sup> *Rôles de Bréquigny*, 297. For the Estouteville estates see *Cal. of Norm. Rolls*, 41. 724.

<sup>3</sup> *Rôles de Bréquigny*, 599; Lepingard, *Les Effets à St. Lô de la Domination Anglaise* (Notices, etc., de la Soc. d'Agriculture et Archéologie de la Manche, ix. 167).

<sup>4</sup> *Cal. of Norm. Rolls*, 41. 715-16; *État des Fiefs de la Vicomté de Conches et de Breteuil affermes au Nom de Henri V (1421)*, in *Mém. de la Soc. des Antiq. de Norm.*, xxiii.

<sup>5</sup> *Rôles de Bréquigny*, 174.

<sup>6</sup> Hardy, p. 183; *Cal. of Norm. Rolls*, 41. 683; *Gallia Christiana*, xi. 698. The temporalities of Séez were seized again in 1420. See below, p. 184, n. 2.

<sup>7</sup> For the temporalities of Bayeux see *Cal. of Norm. Rolls*, 41. 681; 42. 431, 437; for the restitutions: Avranches (*ibid.* 42. 351), Coutances (*ibid.* 368), Évreux (*ibid.* 389), Lisieux (*ibid.* 379). The last three followed the election of foreigners (*Gallia Christ.* xi. 890, 601, 792). For receipts from Évreux, Bayeux, and Coutances, see Exchequer Accts. 187/14, ff. 3<sup>r</sup>, 3<sup>v</sup>, 6<sup>r</sup>. See also Bonnin, *Analectes Historiques, Recueil de Documents inédits sur l'Histoire de la Ville de Évreux*, p. 48.

<sup>8</sup> *Cal. of Norm. Rolls*, 41. 748, 42. 319; Dutilleux and Despoin, *L'Abbaye de Mauduisson*, p. 273; *ibid.* (Cartulaire), p. 47. For Notre-Dame-du-Val see *Cal. of Norm.*

restoration was not necessarily immediate upon presentation of the 'aveu', nor even upon the issue of the official orders if we may judge from the repetitions. When the English conquest extended north of the Seine, the religious houses of Upper Normandy had similar experiences with the English authorities. The archiepiscopal property of the see of Rouen came into royal hands through Louis d'Harcourt's failure to do homage.<sup>1</sup> On 1 February 1420 the king wrote to the treasurer-general ordering the immediate occupation and collection of both spiritualities and temporalities in the dioceses of Rouen, Bayeux, and Séez, which were to be treated as vacant through the absence of the incumbents.<sup>2</sup>

Taking Normandy as a whole, therefore, it appears that the property of all the bishops and the temporalities of at least two-thirds of the abbeys and monasteries, not to mention other religious corporations, were, at one time or another, subject to English administration.<sup>3</sup> Doubtless the income from these estates was seriously impaired by the state of war,<sup>4</sup> a condition which the royal domain would share. Of the actual administration we get but the merest glimpses. The case of the convent of St. Sever, where the custody of its temporalities was conceded only 'usque necessariam sustentacionem suam . . . superplusagio proficuum reservato regi',<sup>5</sup> may be typical of such grants. At Fécamp, whence the abbot had fled rather than swear allegiance to the English authorities, the latter appointed one of the monks receiver of the feudal income, but provided him with an English colleague, whose wages the abbey paid, and forbade him to pay anything to the *soi-disant* abbot.<sup>6</sup> The same authorities audited the receiver's accounts.<sup>7</sup> At the same time Sir John Fastolf was placed in garrison at Fécamp, and another

*Rolls*, 41. 686, 784; Notre-Dame-de-Lire, *ibid.* 41. 695, 734; Notre-Dame-de-Bonport, *ibid.* 41. 695, 702; St. Évroul, Rymer, ix. 572, *Cal. of Norm. Rolls*, 41. 728, 785; Notre-Dame-de-Bernay, *Rôles de Bréquigny*, 1165, 1299, *Cal. Norm. Rolls*, 41. 760, 42. 436, 448. See also Hippeau, *L'Abbaye de St. Étienne de Caen*, p. 472.

<sup>1</sup> *Cal. of Norm. Rolls*, 41. 757; *Rôles de Bréquigny*, 1256, 1250; Exchequer Accts. 187/14, fo. 2<sup>v</sup>; 188/7, fo. 2.

<sup>2</sup> Bib. Nat., Fonds Français, 26043, nos. 5476, 5478; 26044, no. 5656.

<sup>3</sup> Of the ninety-seven abbeys and priories mentioned in *Gallia Christiana* as flourishing at this time sixty-six appear on the Norman Rolls with record of the restitution of their temporalities. In addition the rolls contain similar record in regard to collegiate churches, Lazar houses, hospitals, &c. In one case, at least, the abbey of Ardennes, there is record of restitution which does not appear in the Norman Rolls (*Mém. de la Soc. des Antiq. de Norm.* vii. 41, no. 492).

<sup>4</sup> Fallue, ii. 343, 352.

<sup>5</sup> *Rôles de Bréquigny*, 1179<sup>b</sup>; *Cal. of Norm. Rolls*, 41. 699.

<sup>6</sup> *Rôles de Bréquigny*, 1495; *Cal. of Norm. Rolls*, 42. 403; *Compte de Jehan Cuillier, Archives de la Seine-Inférieure, Extraits et Notes Historiques*, iv. 5464, and *Abbaye de Fécamp*, Dossier 386, fo. 48, there cited.

<sup>7</sup> *Cal. of Norm. Rolls*, 42. 428.

English captain at Vittefleury, both they and the neighbouring garrisons drawing their wages from the abbey revenues, so that the receiver had occasion to record that the revenues from the abbey lands were 'cueillis et emportes pour le temps de ce present compte par les Engles des garnisons de Dieppe et Arques', or again, 'de la seigneurie de Fecamp neant pour ledit an pour ce que messir Jehan Fastolf . . . la tenue et racueillie en sa main sans rendre aucune chose', or still again, 'Ferme de Ingouville et St. Vallert baillee . . . 30 muis de ble dont par Fastolf fu prise et levee la greigneur partie dicelles . . . a cause de ses gaiges'.<sup>1</sup>

In the early years of the English occupation this domainial and regalian income was the largest item in the revenue derived from Normandy. During the fiscal year 1419-20 (1 May-30 April) it amounted to 72,910 livres tournois or 45 per cent. of the total, of which two-thirds were collected in the bailliages of Caen and the Cotentin.<sup>2</sup> In the fiscal year 1421-2 it was 76,312 livres tournois, but it was now only 23.6 per cent. of the whole. In the meantime there had been extensive alienations, so that the income from Rouen must be added to that from Caen and the Cotentin to make two-thirds of this branch of revenue. Two years later the continued practice of making grants of land to Englishmen, and of restoring their lands to submissive Normans, had reduced this income to 47,469 livres tournois, of which 14,366 livres tournois are from arrears. Other sources of revenue have now been found and the domain and régale represent only 11 per cent. of the whole.<sup>3</sup>

The greatest activity in distributing Norman lands, and thereby decreasing the domain, came after the fall of Rouen, when the conquest was complete and there had been time enough to judge what measure of success could be expected from Henry's lenient policy towards the Normans. During 1419 there were some 250 recipients of fiefs, of which the total annual income was estimated at 116,346 livres tournois. This is exclusive of the great lordships of Graville, Préaux, Dangu, St. Sauveur-le-Vicomte, Eu, and Tancarville, for which no estimate of income appears in the royal grants. In the preceding period, from August 1417, there had been only ninety grants, estimated at 40,346 livres tournois annual value, not including the county of Harcourt and the barony of Hommet; while in the three

<sup>1</sup> *Compte de Jehan Cuillier*, iv. 4557, 4558, citing ff. 32<sup>r</sup>, 26<sup>r</sup>, 27<sup>v</sup>. For Vittefleury see *ibid.* iv. 4563.

<sup>2</sup> Exchequer Accts. 187/14, ff. 1<sup>v</sup>, 7<sup>v</sup>.

<sup>3</sup> Alington's third account (1 May 1421-30 April 1422) in summary is regained from Foreign Accts. 61 B<sup>v</sup> ff., where he gives account of his office from 1 May 1421 to August 1422, when he left office, by subtracting the items of his fourth account (1 May 1422-August 1422) which we have in full in Exchequer Accts. 188/7. Surreau's account for 1423-4 is Bib. Nat., Fonds Français, 4485 (see pp. 11-22).



subsequent years there were only fifty, some of which were re-enfeofments of the holdings of dead Englishmen, valued at 28,588 livres tournois. Probably many of these estates failed to bring the estimated revenue, being like the lands of Sir Gilbert Umfraville which are described in 1419 as 'a present de petite valour pour occasion de guerres et mortalites qui ont este ou pais, en son tres grant dommage'.<sup>1</sup> Nevertheless the king did derive some small financial advantages from these vassals.<sup>2</sup> After Baugé the holdings of those who had been killed were occupied by the 'baillis'.<sup>3</sup> Administration of property in wardship in cases like these was sold to the highest bidder.<sup>4</sup> The property of Sir John Grey, comte de Tancarville, will serve to illustrate both the methods and the conditions of the time. In 1421 the lordship of Monville, being in the king's hands by reason of the minority of the heirs, was publicly offered for rent for three years to the highest bidder, for the king's profit. For three successive weeks no one would bid; but finally at the October assizes, the offer being again proclaimed, a single bid of 50 livres tournois a year was made and accepted.<sup>5</sup> Again, on 11 June 1421 the treasurer-general directed the 'vicomte' of Caen to farm out the 'heritages' of Sir John Grey, and a certain Jean Larchier secured one holding for 220 livres tournois a year, and another for 180 livres tournois.<sup>6</sup>

It is impossible for want of documents to describe in detail the actual workings of the financial administration in its early stages. From such as exist it appears that money was expended by orders of Sir John Tiptoft, president of the Norman exchequer, to John Golafre, receiver-general, the former presumably acting under royal direction. On such orders we find the latter paying money to the groom of the royal wardrobe 'pour le us et pruffit' of the king,<sup>7</sup> buying a 'certain porcion de fer' from Sir Henry Noon for the same purpose,<sup>8</sup> and paying the wages of the sailors employed in carrying gun-stones from Rouen to Caen.<sup>9</sup> The only other document is a quittance from

<sup>1</sup> *Rôles de Bréquigny*, 593. There is complaint of similar conditions on the estates of the abbey of St. Victor-en-Caux in 1420 (British Museum, Add. Charter 6808).

<sup>2</sup> Most of the fiefs made annual presentations by way of homage. According to the terms of the grants these are described as swords, daggers, spurs, &c., but apparently each had a definite money equivalent which is estimated in a contemporary record of Henry's grants in Normandy (*Mém. de la Soc. des Antiq. de Norm.*, xxiii. *Parties des Dons faits par Henri V, Roi d'Angleterre*. See especially pp. 1, 9-10).

<sup>3</sup> *Rôles de Bréquigny*, 981, 1020.

<sup>4</sup> Vautier, pp. 133, 166-7, records the sale of wardships by auction in 1419 at 20 écus a year.

<sup>5</sup> British Museum, Add. Charter 302.

<sup>6</sup> Archives du Calvados F, Fonds Danquin, Série Caen.

<sup>7</sup> Order to pay of 15 March 1419 (Arch. de la Seine-Inf., Occupation Anglaise, I, Pièces Mêlées).

<sup>8</sup> Bibliothèque de Rouen, Y 29, t. 2, no. 15.

<sup>9</sup> Arch. du Calvados F, Fonds Danquin, Série Caen.



Golafre dated 17 August 1418, acknowledging the payment of 200 livres tournois, receipts for three months, from the 'grènetier' of Falaise. This shows that the 'gabelle' continued to be levied although Henry had not yet issued an ordinance on the subject.<sup>1</sup> Probably Golafre's chief collections were from the occupied domain, for from this source he had, at the end of his term, 13,223 livres tournois which he handed over to his successor.<sup>2</sup>

In May 1419 there seems to have been a financial and administrative reorganization. William Alington was appointed treasurer-general,<sup>3</sup> an office which apparently combined the powers heretofore exercised by the president of the exchequer and the receiver-general.<sup>4</sup> Orders to pay now came from the king to Alington, who either carried them out himself by making the proper payment, or issued orders in accordance with the royal mandate to his subordinates, the 'vicomtes', 'grènetiers', and 'receveurs'. This appointment was immediately followed by a revenue ordinance formally establishing, in the name of the new ruler of Normandy, a 'gabelle' of 30 livres tournois the measure, a 'quartage' or tax of one-fourth the selling price on all beverages sold at retail, and 'l'imposition foraine' of 12 d.t. the livre on all sales of merchandise. Payment was to be made to the receivers; disbursement by orders from the treasurer-general, who rendered account to the 'chambre des comptes' at Caen. Disputes arising from the collection went to the 'bailli's' court.<sup>5</sup> Formal collection, in some instances, began on 7 May 1419, the day of the ordinance,<sup>6</sup> but the fiscal year for this tax did not begin until 1 June.<sup>7</sup> When offered at public auction the collection of the 'quartages' alone at Rouen was sold for 17,000 livres tournois (£2,550),<sup>8</sup> at Bayeux for 1,200 livres tournois (£180).<sup>9</sup> The value of this collection apparently tended to rise during the early years of the English occupation. At Pont-de-l'Arche the 'quartages' and 'impositions foraines' brought in 1,317 livres tournois during the first year (1 June 1419—31 May 1420). The first four months of the following year brought in nearly as much, 1,011 livres tournois.<sup>10</sup> At Vernon and Les Andelys the

<sup>1</sup> For the 'gabelle' in 1418 see British Museum, Add. Charter 10949: *Rôles de Bréquigny*, 611, 1198; Exchequer Accts. 187/14, ff. 8, 9.

<sup>2</sup> *Ibid.* fo. 1<sup>r</sup>.

<sup>3</sup> *Rôles de Bréquigny*, 511.

<sup>4</sup> The only evidence that the receiver-generalship continued during Alington's time is mention of John Daltom, clerk, as holding the office in 1422 (Exchequer Accts. 188/7, fo. 23<sup>v</sup>).

<sup>5</sup> 7 May 1419 (*Rôles de Bréquigny*). See also Bib. Nat., Fonds Français, 26043, no. 5409. The first mention of the 'chambre des comptes' is in a document of 9 February 1419 (*Rôles de Bréquigny*, 297).

<sup>6</sup> Bib. Nat., Fonds Français, 25766, no. 795.

<sup>7</sup> *Ibid.* 26043, no. 5409; *Rôles de Bréquigny*, 768.

<sup>8</sup> *Rôles de Bréquigny*, 768.

<sup>9</sup> Arch. de la Seine-Inf., Occupation Anglaise, I, Pièces Mêlées.

<sup>10</sup> Bib. Nat., Fonds Français, 26043, no. 5372.

first five months (7 May—30 September 1419) produced 388 livres tournois from the 'quartages', the following two brought in 363 livres tournois.<sup>1</sup>

Later in the year (16 October 1419) orders went out to the 'vicomtes' at Gisors, Vernon, and elsewhere, to ascertain the customary tariffs on the transport of goods and provisions, and to collect the same, and at the same time the captains at Mantes and Pont-de-l'Arche received orders not to interfere with this collection.<sup>2</sup> Early in 1420 the ordinance concerning the 'gabelle', the 'quartages', and the 'impositions foraines' in Normandy was renewed,<sup>3</sup> and, shortly after, extended to the remaining conquests.<sup>4</sup> The next year the taxes in both regions were continued,<sup>5</sup> becoming then, and in succeeding years, a highly important item of revenue which continued to bring in increasing returns as time passed. In the fiscal year 1419–20 (1 May—30 April) the 'gabelle' brought in 26,615 livres tournois or some 16 per cent. of the total Norman revenue, and the 'quartages' and 'impositions foraines' gave 37,899 livres tournois or some 23 per cent. In the year 1421–2 receipts from the 'gabelle' had grown to 61,435 livres tournois, a greater percentage of the whole; those from the 'quartages', &c., were 47,566 livres tournois, a less percentage. For the year 1423–4 (Michaelmas to Michaelmas) the 'gabelle' produced 40,607 livres tournois (about 9 per cent.) for the treasury, the 'quartages', &c., 52,418 livres tournois (about 12 per cent.)<sup>6</sup> During the first year of Alington's administration, however, the chief source of income was still the domain, receipts from which amounted to 72,910 livres tournois or 40 per cent. of the total revenue.<sup>7</sup>

In connexion with the 'quartages' and 'impositions foraines' should be considered the local tariffs which the chief Norman towns were permitted to levy in place of the royal taxes, out of which the expenses of fortification and often the garrison's wages were paid. They usually took the form of a tax on beverages sold at wholesale and retail, to which levies of a similar kind on other merchandise were occasionally added.<sup>8</sup> These were granted by Henry in recognition of existing customary rights and in imitation of the French kings. The levy was administered by the

<sup>1</sup> Bib. Nat., Fonds Français, 25766, no. 795.

<sup>2</sup> *Cal. of Norm. Rolls*, 42. 328; *Rôles de Bréquiigny*, 679.

<sup>3</sup> *Rôles de Bréquiigny*, 1368.

<sup>4</sup> *Ibid.* 779. For the organization of the extra-Norman conquests see for Mantes, *Cal. of Norm. Rolls*, 42. 313, 41. 769, 42. 320; for Chaumont and Poissy, *ibid.* 42. 345.

<sup>5</sup> *Rôles de Bréquiigny*, 1027.

<sup>6</sup> Exchequer Accts. 187/14, ff. 9<sup>r</sup>, 11<sup>v</sup>; 188/7, *passim*; Foreign Accts. 61 B<sup>r</sup> (see above, p. 185, n. 3); Bib. Nat., Fonds Français, 4485, pp. 48, 39.

<sup>7</sup> Exchequer Accts. 187/14, fo. 7<sup>v</sup>.

<sup>8</sup> See below, p. 189, n. 3, for Louviers, Rouen, Carentan, and Montivilliers.

citizens under supervision from officials of the king to whom they rendered account. Like other taxes, actual collection was farmed to the highest bidder,<sup>1</sup> the various items being separately considered.<sup>2</sup> The customary tax was 25 s.t. per 'queue' for wine from other parts of France sold at retail, 20 s.t. for other wines, and 5 s.t. for other beverages.<sup>3</sup> Other sources of revenue were the arrears due to the French king for the period before the invasion, for which the new officials made composition,<sup>4</sup> confiscation of sums left in safe keeping by refugee Norman nobles or by 'brigands',<sup>5</sup> profits from the mint,<sup>6</sup> and from the sale of provisions to English captains.<sup>7</sup> Altogether King Henry secured ordinary revenue amounting to 160,437 livres tournois 19s. 4d. from his newly won province in the year 1419-20 (1 May—30 April),<sup>8</sup> equivalent to £24,060, but apparently the income from the war itself, such as the Rouen indemnity, was so large that the expenses of the campaign were easily liquidated therefrom and surpluses left in the English and Norman treasuries.<sup>9</sup>

Meanwhile the English success had reached its apogee with the establishment of an accord with Burgundy and the conclusion of the treaty of Troyes. Henry prepared to return to England. Normandy could now, legitimately and safely, be called upon to support even more of the burden of war waged by the recognized ruler, no longer merely a successful invader, defending his province against attack. Summoning the Norman estates to Rouen he secured their consent on 18 January 1421 to the imposition of a direct tax, a 'taille' or 'fUAGE' of 400,000 livres tournois for supporting the army and the garrisons in the duchy. In order to meet immediate military expenses, Henry commanded a levy of 100,000 livres tournois for 1 March, at the rate of 20 s.t.

<sup>1</sup> *Rôles de Bréquigny*, 1090.

<sup>2</sup> In the Archives Municipales, Lisieux CC 1, is an account of the receipts and expenditures at Lisieux under a tax of this sort granted by Henry V, 22 January 1421, presented by the local receiver and sixteen citizens before the lieutenant of the 'bailli' of Rouen.

<sup>3</sup> These taxes were called 'aides': Vire (*Rôles de Bréquigny*, 167); Carentan (*ibid.* 306, 1117); Bayeux (*ibid.* 315 bis, 1102); Falaise (*ibid.* 353, 780; Norman Rolls 15, 8 Henry V, pt. iii, m. 23<sup>d</sup>; *ibid.* 17, 10 Henry V, m. 27<sup>d</sup>); Rouen (*Rôles de Bréquigny*, 407, 1101); Caen (*ibid.* 530, 1091; Carel, *Hist. de la Ville de Caen*, p. 135); Évreux (*Rôles de Bréquigny*, 703); Montivilliers (*ibid.* 723, 1090); Gisors (*ibid.* 861); Argentan (*ibid.* 928, 1092); Louviers (*ibid.* 989, 114), with which compare the French 'aide' of 1409 in Bonnin, *Cartulaire de Louviers*, ii, no. 427; Mantes (Norman Rolls 16, 9 Henry V, m. 5<sup>d</sup>; Grave, *Archives Municipales de Mantes*, pp. 310, 320). There is no mention in the Norman Rolls of the Lisieux 'aide' (Arch. Municipales, Lisieux, CC 1).

<sup>4</sup> Exchequer Accts. 187/14, fo. 12.

<sup>5</sup> *Ibid.* fo. 13<sup>r</sup>.

<sup>6</sup> *Ibid.* This amounted to 7,154 livres tournois in 1419-20.

<sup>7</sup> *Ibid.* fo. 14<sup>r</sup>.

<sup>8</sup> *Ibid.* fo. 15<sup>r</sup>.

<sup>9</sup> See above, p. 173, n. 3. The Norman surplus was 5,121 livres tournois, equivalent to £768 3s. Alington computes the livre tournois as worth three shillings sterling. Sir William Philip does the same (Foreign Accts. 61 C<sup>v</sup>, 69 F<sup>r</sup>).

the hearth, 'le fort portant le fieble bien et raisonablement'.<sup>1</sup> The treasurer-general, director of the collection, immediately sent orders to his subordinates.<sup>2</sup> He informed each 'vicomte' of the sum expected from his 'vicomté'. Within that district apportionment by 'sergencies' and parishes was made at a meeting of the 'vicomte' or his lieutenant, the 'procureur', and the 'sergents'.<sup>3</sup> The men of each parish made the actual assessment and collection, apportioning the tax to the individual's ability to pay, reporting the same to the royal agents, and paying over the sums received. Reports of this sort are numerous, and the following will serve as a good example :

Cest le roulle de la taille et impost nouvellement miz sus et octroye du Roy notre seigneur par les iij estas de normendie cest assavoir sur chacun feu de la paroisse de cronysville en la sergenterie de la bonneville la somme de XX s.t. le fort portant le fieble assiz cuilly et apporte par Jehan Vence et Robin Belloc et autres de la dicte paroisse.

Premierment Robin Belloc	vij s. vj d.t.
Pierrez Bertin	xl s.t.
Jehan Vence	vij s. vj d.t.
Perrot Sene	xl s.t.
Perrot Eremvetre	xl s.t.
Chardot Sene	x s.t.
Jehan Eremvetre	xvij s. vj. d.t.
Jehan Eremvetre	vij s. vj d.t.
Roy Sene	xx s.t.
Jehan Sene	x s.t.

Somme de ce present Roulle X l.t. certiffie devant moy Colin Mareschal tabellion—par le dit Sene (*sic*) et Belloc—estre loyaument assiz a leur ames et consciences et que plus de feux navoit en la dicte paroisse. Testmoin mon signe manuel cy miz le mercredy xij jour de mars lan mil iiiic et xx. C. Mareschal.<sup>4</sup>

On 14 April 1421 the bishops or their vicars were directed to collect within two weeks the 'dîme' which was the clergy's share of this first levy,<sup>5</sup> and on 2 June the treasurer-general and the 'baillis' were commanded to make collection from such of the clergy as remained stubborn.<sup>6</sup> Meanwhile, in May, the second

<sup>1</sup> *Rôles de Bréquiigny*, 925.

<sup>2</sup> *Bib. Nat.*, Fonds Français, 25907, no. 1263 *bis*.

<sup>3</sup> Shown by an 'assiette' for the vicomté of Auge of December 1422 (*Arch. du Calvados F*, Fonds Danquin, Série Auge).

<sup>4</sup> *Bib. Nat.*, Fonds Français, 25907, no. 986. See also nos. 992, 994, 998, 1002, 1006. On the back of another such document are eleven names labelled 'ensi les mendians' (*British Museum*, Add. Charter 11468).

<sup>5</sup> Rymer, x. 101. There is probably a misreading of 'mars' for May in *Rôles de Bréquiigny*, 1022. See also Exchequer Accts. 188/7, fo. 17<sup>v</sup>.

<sup>6</sup> *Cal. of Norm. Rolls*, 42. 429. Fécamp had to borrow to pay this (*Arch. de la Seine-Inf.*, *Extraits et Notes Hist.* iv. 4592, citing Abbey of Fécamp, Dossier 386, fo. 187<sup>v</sup>).

collection had been inaugurated.<sup>1</sup> This levy differed from the first in that payment was to be in 'forte monnaie' instead of the debased coinage which had been accepted in March.<sup>2</sup> Although collection continued throughout the summer, by August there still remained arrears amounting to 20,000 livres tournois.<sup>3</sup> It was consequently deemed prudent to collect the remaining 240,000 livres tournois in two terms instead of one as had originally been planned. Orders to collect half this sum were accordingly issued on 20 August 1421.<sup>4</sup> Subsequently another term was added, two levies of 60,000 livres tournois each being made in 1422, the second after Henry's death.<sup>5</sup> Meanwhile collection of the second 'dime', ordered in December 1421,<sup>6</sup> took place in January,<sup>7</sup> and in the following April Henry undertook to collect arrears of the 'dime' voted to Charles VI before the English invasion, most of which was still unpaid.<sup>8</sup> The failure of Alington and Surreau to mention any receipts from this source makes it doubtful if anything was obtained. Considering the 'taille' as a whole it appears that Henry succeeded in collecting something between 250,000-300,000 of the 400,000 livres tournois voted.<sup>9</sup>

Henry V's death, followed so quickly by that of Charles VI, produced new political conditions which reacted immediately upon the financial situation. Although the personal union of England and France was theoretically accomplished by the proclamation of the infant Henry VI, the division of authority between Bedford and Gloucester made the administrative separation practically complete. Bedford's household might replace the king's as an administrative organ, but it had no relations with the English exchequer because Bedford himself, being only regent of France, had no official connexion with the London treasury. The problem which for him was even more acute than it had been for his brother was that of making the conquered country pay for the war. His position was an improvement over that of the French government before 1417 only in so far as his possession

<sup>1</sup> *Rôles de Bréquiigny*, 1375.

<sup>2</sup> One good livre tournois was worth four debased ones (Foreign Accts. 69 Fr). For parish rolls see Bib. Nat., Fonds Français, 25907, nos. 1011 ff.; Bib. de Rouen, Y 29, t. 2, nos. 53-8.

<sup>3</sup> *Rôles de Bréquiigny*, 1022.

<sup>4</sup> *Ibid.* See also Bib. Nat., Fonds Français, 26044, nos. 5658-60.

<sup>5</sup> *Cal. of Norm. Rolls*, 42. 449. This levy was short over 9,000 livres, tournois (Exchequer Accts. 188/7, ff. 10<sup>v</sup>-17<sup>r</sup>). For the fifth levy see Arch. du Calvados F, Fonds Danquin, Série Auge.

<sup>6</sup> *Cal. of Norm. Rolls*, 42. 434; Rymer, x. 225.

<sup>7</sup> Exchequer Accts. 188/7, fo. 17<sup>v</sup>.

<sup>8</sup> Rymer, x. 103.

<sup>9</sup> *Rôles de Bréquiigny*, 1022; Exchequer Accts. 188/7, *passim*; Foreign Accts. 61 B<sup>v</sup>. The maximum figure obtainable is 272,035 livres tournois 9s. 4d., equivalent to £40,805 5s. In 1423-4 the arrears of Henry's levies were still being collected (Bib. Nat., Fonds Français, 4485, pp. 63-7).

of a reliable standing army enabled him to exercise his authority effectively. Normandy assumed a much greater importance as a source of revenue than before, because such parts of France as recognized Bedford's rule were either too much devastated or too incompletely subjugated to provide even a moiety of the finances due from the duchy. Indeed, in the latter Henry V had done his work so well that it only remained for his brother to assure tranquillity by efficient police and by holding the frontiers against Armagnac raiders while he reduced the isolated, hostile castles in Picardy and in French territory north and east of Paris. Such a policy, however, entailed two things, repeated levies of money on Normandy, and the utilization in France of troops which might otherwise have been used effectively on the Norman frontier. The first aggravated the discontent of the conquered Normans. The second laid the duchy open to attacks from the south which quickly threatened the security of the whole English régime. In fact they eventually goaded Bedford into an ambitious offensive in excess of his military strength, an offensive which went to pieces against the walls of Orleans.

In the financial administration the inauguration of the regent's rule was marked by important changes in the treasury. It may perhaps be inferred that Alington was summarily dismissed, inasmuch as he was not even permitted to complete Easter term 1422, but was called upon to close his books in August. Consequently his fourth account is full of entries recording 'nothing received'.<sup>1</sup> On 1 September 1422 he was succeeded by Sir Richard Woodville,<sup>2</sup> whose appointment meant a temporary continuation of Henry V's administrative policy. The treasurer-general continued to direct receipts and disbursements, and to take his orders from the regent.<sup>3</sup> This, however, did not continue long. The greater efficiency to be obtained by closer financial union between France and Normandy was too patent to be neglected. On 2 January 1423 a treasurer and governor-general of all finances was appointed in the person of Hamon Bealknap,<sup>4</sup> while the office of receiver-general, held by Pierre Surreau, assumed a larger share in the administration, although still subordinate.<sup>5</sup> The duties of the old office of treasurer-general were divided between them. In regard to ordinary disbursements,

<sup>1</sup> Exchequer Accts. 188/7. This is especially true of the ordinary revenue.

<sup>2</sup> Bib. Nat., Fonds Français, 26044, no. 5750; *ibid.* 25767, no. 6.

<sup>3</sup> See receipt of Raoul d'Estampes, 'vicomte' of Caen (Arch. de la Seine-Inf., Occupation Anglaise, I, Pièces Mêlées; British Museum, Add. Charters 87, 11484, 11508).

<sup>4</sup> Bib. Nat., Fonds Français, 4485, p. 160. Beaurepaire, p. 182, fails to indicate that the date which he gives (2 January 1422) is Old Style, as in the manuscript.

<sup>5</sup> One received 600 livres tournois a year and 6 livres tournois a day 'pour chevauchées'; the other 500 livres tournois a year and 4 livres tournois a day (Beaurepaire, *loc. cit.*).

the regent issued his orders, accompanied by the necessary information, as to indenture for instance, to Bealknap the treasurer, with directions that Surreau the receiver should make payments accordingly.<sup>1</sup> When, however, he communicated on a subject of such major importance as the collection of a 'taille', he addressed the two officials jointly,<sup>2</sup> and they, acting together, sent orders to the 'vicomtes, prévôts', &c.<sup>3</sup> As his official title indicates, Surreau directed the machinery of receipt, but did so in the name of the treasurer- and governor-general.<sup>4</sup> It was he, too, who drew up the detailed account of the Norman finances which provides so much of our information for this period.<sup>5</sup>

Bedford wisely adopted a modest military policy at the beginning of his rule, aiming merely to subdue the isolated Dauphinois strongholds in the north, to check or repulse hostile incursions into Normandy and towards Paris, and further to protect the frontiers by reducing such places as Ivry and Mont St. Michel, whose retention by the enemy was a standing menace. Such a plan was in the interests of Norman tranquillity and prosperity, things for which the duchy could reasonably be expected to pay. At the end of six months, therefore, in February 1423, the duke assembled the Norman estates at Vernon and asked them for 50,000 livres tournois and a clerical 'dîme', to be collected before 1 August, and to be used in paying the army sent against Ivry, Mont St. Michel, and other places which threatened Normandy.<sup>6</sup> Orders to assess and collect this sum were issued as early as April.<sup>7</sup> At the same time Bedford was attempting to draw from France the costs of enterprises northward. A careful separation between the receipts and expenditures of the two regions is shown in an order to the treasurer to pay Salisbury for services in Normandy, Alençon, Maine, Champagne, and Brie,

cest assavoir (sur) noz finances de Nord<sup>ie</sup> de ce qui lui est ou fera deu a cause des charges quil a eues en Normendie et ou Maine et sur nos finances de France de ce qui lui est deu a cause des charges quil a eues esdz pais de Champagne et de Brie.<sup>8</sup>

<sup>1</sup> Archives Nationales, K 62, nos. 6, 7<sup>13</sup>; Bib. Nat., Fonds Français, 25767, no. 22; S. Luce, *Chronique de Mont St. Michel*, i. 147, xxxiv.

<sup>2</sup> Stevenson, II. i. 10.

<sup>3</sup> Bib. Nat., Fonds Français, 26046, nos. 89, 90.

<sup>4</sup> Receipt from 'grènetier' at Honfleur (5 August 1424) (Arch. de la Seine-Inf., Occupation Anglaise, I, Pièces mêlées). Receipts from 'grènetier' and 'receveur' at Caen (Arch. du Calvados F, Fonds Danquin, Série Caen).

<sup>5</sup> Bib. Nat., Fonds Français, 4485, summarized along with Surreau's accounts for 1425 and 1429 by Beaurepaire.

<sup>6</sup> Beaurepaire, *Les États de Normandie sous le Règne de Charles VII. Précis Analytique des Travaux de l'Acad. de Rouen* (1875), p. 263.

<sup>7</sup> *Bulletin de l'Histoire de Normandie*, vii. 430; Bib. Nat., Fonds Français, 26046, nos. 89, 90.

<sup>8</sup> *Ibid.* 26047, no. 335.

In January 1423 Bedford directed the expenses for maintaining 200 men-at-arms and 300 archers besieging Meulant and defending St. Valery and Gamaches, to be paid from the French revenues.<sup>1</sup> To clear the Armagnacs from the region south of Paris a special subsidy was levied on the capital, appeals against which, made to the parliament, were overridden by mandates from the regent.<sup>2</sup> Meanwhile certain of Charles VI's jewels were sold and the income similarly devoted to military expenses.<sup>3</sup> The duke attempted to tax the French clergy on the plea of sending a special embassy to defend the Gallican liberties at a council which Martin V proposed to hold at Pavia in May 1423, but the clergy, at least in the province of Rheims, openly resisted.<sup>4</sup> On undertaking to capture Le Crotoy Bedford collected some of the expenses from the surrounding region.<sup>5</sup>

But when summer came in 1423 it became evident that the military effort was in excess of the resources, in hand or in prospect, even before the February 'taille' had been collected.

It is necessary to consider [wrote Bedford on 4 June 1423] how to pay the soldiers and men-at-arms retained at the King's wages for the defence of Normandy on St. John's Day (24 June), when a quarter's pay falls due, for there is nothing to give them, because the funds intended for the soldiers have been spent on the siege of Le Crotoy, which still drags along, on the journey to Amiens, and on the expeditions into Champagne and Brie.

In consequence, the estates were reassembled at Vernon in July and persuaded to vote another 'taille' of 60,000 livres tournois for paying the army defending and operating to the southward.<sup>6</sup> But again the progress of events necessitated still further exertions, and the prospects for the future required heavier taxation. For a third time, in December, the Norman estates assembled, this time at Caen, and responded to the government's demands with a grant of 200,000 livres tournois for the recovery of Mont St. Michel, Ivry, Dreux, Gaillon, Nogent-le-Rotrou, Senonches, and Beaumont-le-Vicomte, and to extirpate brigands 'qui en divers lieux de notre dite duchie ont fait ou temps passé et font presentement maulx, pillories et roberies'.<sup>7</sup> At the same time a 'dîme' was levied on the clergy 'sans congîé du pappe'.<sup>8</sup>

<sup>1</sup> Ritter, *Bibliothèque de l'École des Chartes*, lxxiii. 472.

<sup>2</sup> *Journal de Clément de Fauquembergue*, ii. 127-8.

<sup>3</sup> Bib. de Rouen, Collection Leber, 5870, t. iii, fo. 227.

<sup>4</sup> Soullié, 'Opposition des Chapitres Cathédraux de la Province de Reims au Gouvernement de Bedford (1423-8)' in *Revue de Champagne et de Brie*, 2<sup>me</sup> série, ii. 744.

<sup>5</sup> Prarond, *Notice sur l'Arrondissement d'Abbeville*, ii. 169; Ledieu, *Documents inédits sur le Siège du Crotoy*, p. 389. Cf. Dusevel in *Mém. de la Soc. d'Émulation d'Abbeville*, 2<sup>me</sup> série, xi. 201.

<sup>6</sup> Beaurepaire, *Les États de Normandie*, p. 365.

<sup>7</sup> Bib. Nat., Fonds Français, 4485, p. 1.

<sup>8</sup> *Ibid.* p. 126; Cochon, *Chronique Normande*, p. 393.



The collection was made in three terms, January, March, and June, with very considerable success, only 5·5 per cent. being left to come in as 'arrears'.<sup>1</sup> Most of this latter can be accounted for by the inability to make collections in the border 'vicomtés' of Avranches, Mortain, Verneuil, and Perche. This income financed the war for about nine months, during which the military effort that culminated in victory at Verneuil in August 1424 put such a strain on the treasury that a new grant of money was needed. On 1 October 1424 the Norman estates were again convened, at Paris. There, sitting conjointly with the French estates, they voted another levy of 60,000 livres tournois, like those collected in March and June.<sup>2</sup> Of this 50,000 livres tournois were for paying the troops the wages due to them up to Michaelmas 1424, 3,000 livres tournois were to be used on fortifications at Harfleur and Honfleur, and the remaining 7,000 livres tournois were intended to go towards the expenses of the Mont St. Michel expedition.<sup>3</sup> Returns, however, were less satisfactory than on previous occasions, only 49,371 livres tournois being collected punctually, and of this the regent felt constrained, while collection was in progress, to divert nearly half (23,430 livres tournois from Caen, Cotentin, and Alençon) to support of the expedition which was being organized against Maine.<sup>4</sup> And finally, in November, it was found necessary to restore the 'gabelle' to its old burdensome figure, to which it had been raised by the Armagnacs and which Henry V had reduced with a magnanimous flourish in 1418,<sup>5</sup> in order to maintain the new armies.<sup>6</sup>

Was this taxation burdensome? This question necessitates a comparison between the relations of tax to population in England and Normandy. At the end of the fourteenth century the

<sup>1</sup> For details of these levies see Stevenson, II. i. 10; Bib. Nat., Fonds Français, 26046, nos. 173-9, 190; 26047, nos. 224-5, 273-5; Add. Charter 11511.

Summary:

	Collected.			Shortage.		
	<i>l.t.</i>	<i>s.</i>	<i>d.</i>	<i>l.t.</i>	<i>s.</i>	<i>d.</i>
Levy of January 1424 . . . . .	76,104	6	1	3,895	13	11
Levy of March 1424 . . . . .	56,595	1	10	3,404	18	1
Levy of June 1424 . . . . .	56,213	12	7	3,786	7	5
Total collection . . . . .	188,913	0	6	—	—	—
Total shortage . . . . .	—	—	—	11,086	19	5

The apportionment to the frontier 'vicomtés' was 7,900 livres tournois (Bib. Nat., Fonds Français, 4485, *passim*).

<sup>2</sup> Stevenson, II. i. 9, 32; Bib. Nat., Fonds Français, 26046, no. 181; 26047, nos. 329-32, 341.

<sup>3</sup> *Ibid.* 26046, no. 181.

<sup>4</sup> *Ibid.* 4485, pp. 114 ff. See also receipt of 24 September 1424 from the 'vicomte' of Caen (Arch. de la Seine Inf., Occupation Anglaise, I, Pièces Mêlées, and 'Amendes tauxes tant en Diocèse de Sees que en la Vicomté de Falaise sur le Fait des Aides ordonnées pour la Guerre', Arch. du Calvados F, Fonds Danquin, Série Falaise).

<sup>5</sup> Norman Roll 9 (6 Henry V, pt. i), m. 25<sup>a</sup>.

<sup>6</sup> Bib. Nat., Fonds Français, 26047, nos. 342-4.

inhabitants of England and Wales are estimated at 2,500,000.<sup>1</sup> During the period 1416–22 the annual taxation averaged £135,023, or a trifle less than 13*d.* per head. Of this the direct taxation due to the war averaged £27,365 annually or about two and two-thirds pence per head. At this time a carpenter's daily wage varied from four and one-half to sixpence.<sup>2</sup> In Normandy the population in 1328 is estimated at one and a quarter millions.<sup>3</sup> It seems possible that, to make allowance for the Black Death, this figure should be halved in considering conditions in the early fifteenth century. Without entering upon the controversial question of the recuperative powers of mediaeval populations, it must be admitted that the recurrence of wars in Normandy during the fourteenth century, and the return of the plague,<sup>4</sup> would have seriously retarded any return to the figures of 1328. In March 1421 Henry V levied 100,000 livres tournois of the 'taille' voted in January at the rate of 20 s.t. per hearth.<sup>5</sup> Inasmuch as the parish rolls which we possess show, in regard to the collection of this 'taille', that the number of livres levied on a parish corresponded to the number of householders named in the roll, notwithstanding the inequality of the sums paid by each,<sup>6</sup> it seems apparent that Henry, presumably advised by the Norman estates, estimated that there were 100,000 hearths subject to the 'fuage'. This seems a very low estimate when we consider that in 1328 there were 280,000 hearths in the Norman 'bailliages', not including Alençon.<sup>7</sup> The ravages of war and pestilence must indeed have been heavy to have reduced the population by nearly two-thirds. Averaging at the customary ratio of four and a half persons to the hearth<sup>8</sup> the English estimate would indicate about 450,000 people. A conjectural estimate of the numbers of those not subject to 'fuage', nobility, clergy, mendicants, &c., can scarcely be raised above 600,000,<sup>9</sup> which is an approach to half the population of

<sup>1</sup> This is Seebohm's estimate based on the poll-tax of 1377: see Oman, *The Great Revolt of 1381*, app. ii, p. 162 f.; *Fortnightly Review*, ii. 153 Thorold Rogers, *ibid.* iii. 191; *History of Agriculture and Prices in England*, i. 57, iv. 131; Cunningham, *Growth of English Industry and Commerce*, i. 331, n. 4; Denton, *England in the Fifteenth Century*, p. 130.

<sup>2</sup> Traill, *Social England*, ii. 543–4.

<sup>3</sup> See *Paroisses et Feux des Bailliages et Sénéchaussées de France*, a list drawn up for the use of the royal officials of finance in 1328, published by Bureau de la Malle in *Bibliothèque de l'École des Chartes*, ii. 17, and discussed by him in *Mém. de l'Acad. des Inscriptions et Belles-Lettres*, xiv, 2<sup>me</sup> partie, p. 36. For discussion of the whole problem see Levasseur, *La Population Française*, i. 155 f., 169.

<sup>4</sup> See Coville, *Recherches sur la Misère en Normandie au Temps de Charles VI.*

<sup>5</sup> *Rôles de Bréquigny*, 925.

<sup>6</sup> See above, p. 190, n. 4.

<sup>7</sup> Levasseur, i. 156–7.

<sup>8</sup> *Ibid.* pp. 159–64.

<sup>9</sup> The distribution of tailleable population may be inferred from the apportionment of the tax by 'bailliages' January 1424: Rouen, 25 per cent.; Caux, 13·375; Évreux, 4·5; Caen, 21·25; Cotentin, 17·5; Alençon, 12·5; Gisors, 2·875; Mantes, 1·5;

1328. For the year 1419-20, when the English collected only the ordinary revenue, the financial burden upon the people was less than in England, namely 5 s.t. 4d. (9½d. sterling) per head. By 1421-2 this had been increased to 10 s.t. (1s. 6d. sterling), and in 1423-4 to 14 s.t. 3d. (2s. 2d. sterling). The uncertainty as to the accuracy of the estimates of population makes it necessary to consider these figures as merely suggested. If the population had been as great as in 1328 the above results would have to be more than halved. It seems doubtful if they would have to be increased in any circumstances. At this time a Norman carpenter got a daily wage of 5 s.t.<sup>1</sup> (9d. sterling). In the years of heaviest taxation in England (1416-17) the average per head was 1s. 9d. and 1s. 3d. sterling respectively. From this it appears that, at its worst, taxation in England threw on the country an average burden per head equivalent to three and one-half days' wages for a carpenter at the maximum wage. This was at the beginning of the period of conquest. By the end of the period under consideration England has been relieved and Normandy is bearing taxation the average individual burden of which equalled less than three days' wages for a carpenter. The difference, of course, which cannot be measured, lies in the fact that in the latter instance the tax was levied by an alien conqueror upon the country which had been the seat of war.

These considerations of Norman taxation include, in addition to the 'taille', the regular income, which in 1423-4 amounted to 160,829 livres tournois.<sup>2</sup> In addition Bedford had the French treasury receipts, which in 1423 totalled 125,896 livres tournois, and in the following year 146,303 livres tournois.<sup>3</sup> He also appealed to the pope for permission to tax the French clergy to the extent of 12,000 gold florins.<sup>4</sup> Whether or not this was done does not appear. Taken altogether, we may perhaps estimate his annual revenue at about 560,000 livres tournois, equivalent to £84,000.<sup>5</sup> That this was insufficient may quickly be concluded by comparison with the receipts and expenditure of the English

Poissy, Pontoise, &c., 1-5 (Bib. Nat., Fonds Français, 4485, pp. 71 f.). The levy of December 1422 shows comparatively slight variations (Exchequer Accts. 188/7). In 1328 distribution was: Rouen, 21-65; Gisors, 22-13; Caux, 15; Caen, 18-22; Cotentin, 23.

<sup>1</sup> D'Avenel, *Histoire Économique de la Propriété, des Salaires, des Dénrées*, iii. 589.

<sup>2</sup> Bib. Nat., Fonds Français, 4485, *passim*.

<sup>3</sup> Ritter, *Bibliothèque de l'École des Chartes*, lxxiii. 472-3, 478-9, 480, 482.

<sup>4</sup> Souillié, p. 747. If the florin was worth as much in 1424 as it was in 1346 this would be equivalent to 146,400 livres tournois (Natalis de Wailly, *Mémoire sur les Variations de la Livre Tournois*, p. 62).

<sup>5</sup> This result is obtained by adding to Surreau's receipts for 1423-4 (Bib. Nat., Fonds Français, 4485, p. 145) the mean between the French receipts for 1423 and 1424 (Ritter, *loc. cit.*). If the receipts for the same months as Surreau's account covers were substituted, the result would be about 28,000 livres tournois less.

exchequer between 1416 and 1422. In only one of the years in which there is complete record, 1420, was the English income so low, and then there was a deficit of £38,000. In 1419 and 1422 only, under Henry V, were the war expenses less than £84,000, and, of these, 1419 saw the first large payment of the ransom of Rouen which certainly went into the war chest, while the record for 1422 is incomplete, ending as it does with the death of the English king. Usually the expenditure from the English exchequer was at least £35,000 in excess of the above sum, without the war expenses paid from the Norman treasury. This inadequacy is still further illustrated by the fact that, in Bedford's first two years, the French and Norman treasuries together show a deficit of 4,942 livres tournois (£741), not to mention the unpaid wages of the troops.<sup>1</sup>

The end of 1424, therefore, finds the regent faced with serious problems. His military prestige is at its height by reason of the victory at Verneuil in August, but Normandy is not tranquil, the enemy, although defeated, is not crushed, and, worst of all, his finances are beginning to prove insufficient for maintaining even a successful defensive. The alternative was a vigorous offensive pushed home while Normandy could still be taxed. Victory, by protecting the southern frontier would tranquillize the duchy, would beat down still further the dauphin's resistance, and might well include the capture of new cities upon which to levy indemnities and the conquest of new regions from which to draw financial support.

RICHARD A. NEWHALL.

<sup>1</sup> Bib. Nat., Fonds Français, 4485, p. 436, and Ritter, *loc. cit.*

## *The Supercargo in the China Trade about the Year 1700*

TWO hundred years ago the supercargo was an important person on a ship trading to the Indies. The ship went exploring to new countries; there were no banks of exchange, and her owners had no correspondents in foreign ports; they loaded on the ship what was required, in goods or in money, to buy a cargo of the products of the foreign country; and, as they could not go in person, they must have a representative on board who was qualified to sell his 'stock', to exchange his money for the currency of the country, and to buy his 'investment' of such quality and at such prices that the commodities could be sold at a profit on the ship's return to its home port. Besides this mercantile qualification, he must be capable of dealing with persons of rank and dignity. In one port the principal trader might be the king of the country (such a trader was the king of Tongking<sup>1</sup>); in another he might be the admiral commanding the naval defences, as at Mindanao in 1686,<sup>2</sup> or the general commanding the garrison, as at Amoy in 1684;<sup>3</sup> in another the merchants with whom he must trade were only the commercial representatives of the highest officials, as at Canton in 1699,<sup>4</sup> or one merchant might have the imperial commission to monopolize the trade with foreign ships, as at Chusan, Amoy, and Canton in 1702-4.<sup>5</sup> The supercargo needed diplomatic ability to deal with all such extraordinary situations; not simply the courage to resist extortionate demands, but the skill to conduct a trade notwithstanding that such demands were made.

The first requirement for a supercargo on English ships trading to China was a knowledge of Portuguese. For over a century from 1517, the only European ships to visit China were Portuguese, and their language became, to some extent, the *lingua franca* of the coast. The Hollanders settled in Taiwan

<sup>1</sup> Diary of Supercargo of the *Zant*, 1672 (India Office Records, China). In the subsequent notes I shall refer to supercargoes' diaries in the same series by the name of the ship and date.

<sup>2</sup> *Loyal Adventure*, 1685-6.

<sup>3</sup> *Delight*, 1684.

<sup>4</sup> *Macclesfield*, frigate, 1699.

<sup>5</sup> *Canterbury*, 1702 (at Amoy); *Kent*, 1704 (at Canton); Diary of the Council for China, 1702, India Office Records, China (Chusan).

(Formosa) in 1624, and traded thence to ports in Fukien ; they took interpreters from the Chinese at Batavia who spoke Dutch ; and the French found everywhere friendly missionaries who could interpret for them. The English, coming first in 1637, could have no communication with the Chinese except through an interpreter who knew both Portuguese and Chinese. This was sometimes an untrustworthy Chinese who could speak Portuguese, sometimes a low-class Portuguese who could speak Chinese, more commonly a half-breed, who had acquired the one tongue from his father, and the other from his mother. Under these conditions selling a piece of cloth or buying a bale of silk required only ordinary business acumen ; but the disentangling of difficulties, such as befell every ship, demanded the greatest diplomatic ability in the supercargoes ; and the absence of that ability, and even of honesty and loyalty, in the interpreters made the difficulties of the supercargoes almost insurmountable.

From about 1690 the English ships obtained much friendly advice and help, in their more serious difficulties, from the French priests. The cordial relations between these priests and the English East India Company were recognized on both sides. The priests were frequently given a free passage to Europe in the Company's ships ; and when the persecution initiated by the Emperor Yungcheng in 1724 drove them from their churches at all places except Canton, Père de Goville deposited the sum of 10,000 pagodas (£4,500) with the English Company in London, on condition that the Company's agents should pay 600 pagodas a year to the priests in Canton.<sup>1</sup> From about 1715 the Chinese merchants themselves learned the curious patois known as 'pidgin English', which thereafter became the *lingua franca* of the China trade.

Selling the 'stock' carried out from England required but little ability. The law required that not less than one-tenth of the stock carried by each ship from England should consist of goods 'the growth, produce or manufacture of the kingdom', and until the middle of the eighteenth century no ships going to China could dispose of more than that proportion of English goods. Lead was 'as good as money', and each ship took usually from 40 to 60 tons of it ; woollen goods were sold with difficulty, without profit, and in small quantities ; and China asked for nothing else that was English. Sometimes, but less often as time went on, ships from England went, on the way out, to Sumatra (Benkulen) or to Borneo (Banjarmassin), and loaded from 50 to 100 tons of pepper for sale in China. Generally speaking, however, at the period we are now describing, nine-tenths of

<sup>1</sup> Diary of the Council for China, 1702 ; *Macclesfield*, 1724.

each ship's stock consisted of silver sent from England. From 1720 to 1750 the silver on each ship seldom constituted less than 98 per cent. of her stock; but from the latter date English woollens began to find a wider market at 'dumping' prices; they were the means of 'laying down the dollar'.

The export from England of English silver coins was strictly prohibited. The silver sent was sometimes, but not often, in bars; almost invariably it was in minted coins. In the order of frequency they were: (1) Pillar dollars, ryals of eight, or pieces of eight, minted at the royal mint of Seville; current in the China trade for three centuries; 95 'touch' of the Chinese standard. (2) Mexico dollars, minted at the viceregal mint of Mexico; from 1855 the ordinary currency of the treaty ports of South China; 94 'touch'. (3) Ducatoons, minted by the mint of Venice; 96 'touch'. (4) French crowns, minted by the royal mints of France; 94 'touch' if bearing three crowns on reverse, otherwise 93 or 92 'touch'. (5) Rix-dollars, of 90 'touch'. I have not ascertained whether these were from Scandinavian or German mints. These were usually packed in chests containing each 4,000 coins, weighing net 290 lb. 8 oz. Troy = 3,488 oz. = 108,489 grammes. In 1729 new Seville dollars arrived at Canton of which the 'touch' had been lowered to that of the Mexico dollars—94. From some date between 1750 and 1760 both these dollars were rated at 92 'touch'; and in 1775 both mints issued dollars bearing the king's head in place of the arms of Spain. These 'head dollars' were rated at 90 'touch', and when paid by tale passed at \$100 = Tls. 72.

Dollars never passed into Chinese hands by count, but always by weight in Chinese *liang* or taels, modified by the touch. These taels differed in weight at different ports. At Chusan there were two taels in ordinary use—the Tsaoping of 567·3 grains (36·76 grammes), and the Kiangping of 555·3 grains (35·98 grammes); but in which the supercargoes had to pay is not recorded. At Amoy the market tael was 570·0 grains (36·94 grammes). At Macao the market tael was 577·1 grains (37·40 grammes). At Canton the Szema tael is to-day 578·3 grains (37·48 grammes); in 1846 it was 578·0 grains (37·45 grammes); but in 1699 one supercargo in making payments found it to be 580·8 grains (37·64 grammes), and in 1724 another found it 581·95 grains (37·71 grammes); but consistently for a hundred years, 1730–1834, the fixed equivalence was 120·8 oz. Troy = 100 taels weight (the tael being thus 579·84 grains). This is the weight, but the value was further affected by the 'touch' of silver. This was either 'sycee', nominally 1,000 fine (being pure silver of the Chinese standard), or 'current' silver which varied with each tael; at Chusan the Tsaoping tael of value was 997 fine, and the Kiang-

ping tael was 991 fine ; at Canton and at Amoy the current silver was 940 fine. If the payment was for government dues it was in 'sycee',<sup>1</sup> if for goods it was in 'current' silver. The 'touch' of foreign coined silver was fixed and recognized at the rates given above ; bars and shoes or ingots varied one with another, and all had to be reduced to the 'touch' of the tael of currency in which payment was made.<sup>2</sup>

The complication was especially marked in buying gold, which was cheap in China about 1700, being only two-thirds of the European mint price. Gold came in shoes of nominally 10 taels weight, and was sold on the basis of being 94 'touch' ; its price in silver was quoted at so much 'above' or 'below touch'. Thus

10 taels of gold, of 94 touch, at 'touch for touch' =	94 taels silver
"    "    "    at '3 above touch' =	97    "
"    "    "    at '3 below touch' =	91    "

Thus, in the case of a shoe of gold, 97 touch, weighing 9.85 taels, sold at 4 above touch, paid for in ducatoons :

9.85 taels of 97 touch is 10.164 taels 94 touch ;  
 at 4 above touch is 98 taels silver for 10 taels gold,  
 or 99.607 taels current silver of 94 for this shoe of gold ;  
 paid for in ducatoons 96 touch,  
 is 97.532 taels weight of ducatoons.<sup>3</sup>

Besides having this complete mental equipment of the banker, the supercargoes had to know the quality of goods. They must know whether raw silk offered to them was worth 150 taels a picul, or only 145 ; whether the tea was of such quality that they could pay 2s. 6d. a pound, or must pay only 1s. ; whether, for their heavy cargo, copper at 15 taels or 'tutenague' (spelter, zinc) at 6 taels a picul was the more profitable purchase ; whether the weft of woven silks should have the same strength as the warp ; whether China root was better white, or tinted pink ; whether vermilion at 42 taels or quicksilver at 42 taels was the better purchase. They also had to take the responsibility of deciding whether they should advance as much, perhaps, as 50,000 taels to a merchant of whom they knew very little, in prepayment for goods which would not be delivered until four months later. On their arrival at a port they had to decide whether to resist the exactions which were threatened to their trade, and go on to another port, where they might find the conditions no less bad ; or whether they should take their ships in, and trust to their diplomatic skill to gain better terms by negotiating with the officials and the merchants.

<sup>1</sup> The parity of exchange of the Canton tael of 'sycee' was then 6s. 8d.

<sup>2</sup> Morse, *Trade and Administration of China*, cap. 5.

<sup>3</sup> *Walpole*. 1722 (at Canton).



All these qualities made it necessary that the supercargoes should be men of ability, of good education, and of incorruptible honesty. They were paid salaries which, to modern ears, sound ludicrously inadequate. The chief of the Amoy factory in 1681 received a salary of £80 a year; his colleagues, the 'junior members of council', received £40 a year; the writers had £10 a year. When the Taiwan factory was subordinated to Amoy, the salary of its chief was reduced from £80 to £60.<sup>1</sup> All were lodged and fed at the expense of the Company. As an illustration of the nominal salaries and real wages of servants of the Company, we may take note of the staff sent in 1699 to open a factory in Borneo<sup>2</sup>:

	£	£ s. d.
Chief of factory . . .	100	Chief shipwrights or master
Merchant (second) . . .	60	builders . . . each
Merchant (third) . . .	60	Ship carpenters . . . „
Factor (fourth) . . .	40	Chief smith . . .
Factor (fifth) . . .	40	Smith . . .
Writers (four) . . . each	10	Sawyers . . . each

It may well be asked how men of such marked ability and of such varied attainments could be attracted to the Company's service, and how, being in it, they could be expected to be loyal, zealous, or even honest. In England and in Europe generally at that period, as in China then and to-day, the salary of a government official was but a small part of the recognized and legitimate emoluments of his office. Fees, perquisites, presents, exactions, bribes, all contributed to make up the true value of the office. The East India Company was modelled on government lines, and its servants were paid on a government scale until well into the nineteenth century; but the Company could not allow its servants to supplement their recognized salaries by the same methods as were customary with government officials. To ensure their honesty, to stimulate their zeal, to confirm their loyalty, the Company granted every possible indulgence to its servants; it usually allowed them some private trade, under such limitations as would safeguard its own interests; sometimes it granted them a commission on the prime cost of the investment made in China, and sometimes it gave them a share in the stock, both goods and silver, which the ship took from England.

The tendency at first, in accordance with the practice of the time, was for the Company to give the supercargoes nothing from its own capital, but to allow them to risk their own money and to make such profit for themselves as they made for the

<sup>1</sup> *Barnardiston*, 1680-1.

<sup>2</sup> Court to Council for Borneo, India Office Records, December 1698.

stock provided by the Company. In the year 1674 the Company ventured in its stock to the Indies the sum of £110,000 in goods and £320,000 in silver, a total of £430,000, bringing home an investment valued on arrival in England at £860,000; in that same year, by the same ships, the supercargoes and the captains and officers of the ships took from England as private ventures the sum of £45,000 in goods and £90,000 in silver, a total of £135,000, nearly one-third of the Company's public venture.<sup>1</sup> A practice such as is indicated by these figures was, obviously, one which might easily lead to abuse, and would certainly cut into the profits of the Company; but the objections to it were more manifest in connexion with the private trade of the captain and officers of the ships, than with that of the supercargoes. On many occasions the supercargoes had cause to complain that the captains engrossed profitable trade which ought to have gone to the Company, the most usual ground of complaint being that, by underhand means, they had induced the Chinese merchants to insist on paying them in commodities (such as silk, tea, &c.) instead of gold, which by regulation ought to have formed their investment; and, in 1715, the court of directors complained that, in the previous year, the captains and officers of their ships had brought to England no less than 20,000 pounds of tea, to the serious detriment of their own trade in tea, which at that time did not much exceed that amount.<sup>2</sup>

Generally all the Company's servants were prohibited from trading in the main staples which constituted the principal part of its own trade; in China, silk was, of course, always prohibited; and in 1686 the court directed that: 'as the Chyna Trade was becoming more promising, Teas and Spices were, in future, to form Part of the Company's Imports, and not to be articles of Private Trade.'<sup>3</sup> During its whole history the tendency of the Company was to restrict the private trade, as far as possible, to silver, coral, and amber outwards, and to gold and musk from China to India, and diamonds from India to England, as return investments, since they took up little tonnage.

The Company was, however, always chary of imposing any restraint on the activities of its supercargoes, and in that same year, 1686, the court wrote complaining of the conduct of the Madras presidency,<sup>4</sup>

in abusing the order for the purchase on the Company's account of Chyna Goods brought in Private Trade thither. When the Court gave the order, they did not conceive that their Servants would be buyers and sellers both.

<sup>1</sup> R. Wissett, *Compendium of East Indian Affairs* (London, 1801).

<sup>2</sup> Court to Council for China (ship *Susanna*), December 1715.

<sup>3</sup> Court to Madras Presidency, October 1686.

<sup>4</sup> *Ibid.*

At the same time the court wished to 'encourage them in all good wayes', and for that purpose

We give you leave for the future to send us any intire Cargo of Chyna Goods proper for Europe Marketts of your own, or your own in company with any Natives or others, at the first cost in Chyna, to take your satisfaction there out of our Cash, when the Goods are shipt for England (but not before) that you may have your Stocks to goe on with again, on a new voyage, on this condiçon, that if the said Chyna Cargoes of yours, &c., make not the said first cost here, free of single freight, and all charges, the adventure of the Sea from the Fort [Madras] hither, in such case shall be ours, but the loss at home, if any happen upon Sales, shall be yours. . . . And if any gain arise by such Chyna Goods here, 20 ⅔ Cent. of the profit thereof shall be ours in consideraçon of our running the hazard of the sea, generall charges of the Company, and disbursements<sup>t</sup> aforehand of our money in India; the rest of the gain justly, whatever it proves to be, shall be yours, and immediatly returned you in Dollars, by the first Ship after the sale of such Chyna Goods here; this we say in times of Peace: but if a Dutch war should happen, we shall in time of such war, expect 40 ⅔ Cent. of the profit to the Company for running the risque &c., as aforesaid. . . . The Company will sell the Goods here by the Candle.

This proposal seems sufficiently liberal, even in our eyes, unaccustomed as we are to all forms of private trade in competition with the trade of employers.

Some of the East India Company's ships belonged to themselves, while others were chartered, and the conditions under which the latter were managed were sometimes affected by the terms of the charterparty. The allowance for private trade made for the ship *Eaton*, chartered by the Company for China in 1699, and the limitations placed on it, may serve as an example of the privileges granted to such ships, over and above the remuneration to the supercargoes.<sup>1</sup>

*Private Trade.* The Court have allowed by the Charterparty £3500 to be sent out by the Owners, Master and Ship's Company of the *Eaton*; whereof £1500 may be carried out and brought home in such Commodities as they please, on condition that her Captain do not sell or buy in China without the Concurrence of the Factory. The remaining £2000 is [to be] sent out in Silver; and the Court permit the proceeds to be returned from China in Gold, or otherwise may be sent to Coromandel, consigned to some of the Company's Factors to be returned thence in Diamonds by a Company's Ship, the Proprietors paying what others pay.

Such generous terms were not always given to the owners of chartered ships, but the officers of all ships were treated at first in what seems to be a liberal fashion. In time this was found to work to the disadvantage of the Company, and this branch of the private trade was strictly regulated, until, by 1720, the captains and officers, who in 1714 had brought 20,000 lb. of tea

<sup>1</sup> Court to Council for China (going to Chusan), November 1699.

to England on their own account, were limited at first to 3 per cent. of the ship's tonnage, and later to a total of two hundredweight (224 lb.) for every hundred tons of the ship's tonnage; the ships of that time were usually of 350 tons burthen, and under this rule their private ventures in tea might amount to seven hundredweight. It was, however, the cargo space of the ship that was most carefully safeguarded; and in their cabins and berths, so long as they did not encroach on the tonnage capacity of the ship, they might still bring ventures which were not articles of commerce, such as fans, ivory carvings, embroideries, and articles having a value as curiosities greater than their intrinsic value. Restrictions placed from time to time on the private ventures of captains and officers were not long retained; and in 1729 we find the captain of the ship *Lynn* having private trade from Canton valued at £3,744, being £2,500 in gold and £1,244 in goods, including 7,750 lb. of tea.<sup>1</sup> The Company was, however, always struggling to check this tendency.

The supercargoes were, on the contrary, treated more and more generously in the way of allowances, in proportion as their private trade was restricted. At first, as has been said, their zeal was stimulated and their efforts were rewarded only by the private trade allowed, with, apparently, no unreasonable restrictions imposed. Then some limitation was placed on the articles which might form part of the private trade, and on the proportion of the ship's carrying capacity which might be taken up by it; but the court had no wish to diminish the reward which their supercargoes might earn, and what they took away with one hand they gave with the other. At first, as they began to limit the amount of private trade, they gave their supercargoes a commission on the prime cost of the return investment by the ship. Against the payment of unduly high prices, the court trusted to the honesty and loyalty of their supercargoes, and they have never been impeached; the court's principal aim was to stimulate their supercargoes' zeal, and so to secure a full lading of the most profitable commodities. During the seventeenth century, when the individual ship formed the unit of a venture, the number of supercargoes on each ship was usually three, and the commission paid was generally either 3½ or 4 per cent.—divided to give the chief 1¾ per cent., the second 1 or 1¼ per cent., and the third ¾ or 1 per cent. By the *Aurungzebe*, at Amoy in 1702, the return investment was invoiced at 122,150 taels, and the commission debited to the Company for division between the three supercargoes amounted to 4,275 taels. When the commission was only 3½ per cent. they had in addition some private trade, but its amount on the *Aurungzebe* is not recorded.<sup>2</sup>

<sup>1</sup> Diary of the Council for China, 1729

<sup>2</sup> *Aurungzebe*, 1702 (at Amoy).

From the year 1700 the system of paying commission became less common, and the Company made its supercargoes partners in the venture in which they were engaged in common. A certain amount of private trade was still allowed, but the principal part of their reward was to come from a specified portion of the ship's stock, which was assigned to them. In 1699 the English East India Company chartered the *Macclesfield* frigate, 250 tons; and, as she was a chartered ship, some provision was made also for her owners and officers. She took in London a stock of £5,475 in goods and £26,611 in silver, total £32,086; of this sum £25,036 was 'for account of the Hon'ble English Company', and £7,050 (22 per cent.) for its agents on board, distributed as follows: <sup>1</sup>

	£
Mr. Robert Douglas, chief supercargo . . . . .	3,800
Mr. William Strong, second „ . . . . .	1,000
Mr. John Biggs, third „ . . . . .	500
Mr. Edmond Harvey, fourth „ . . . . .	250
Owners of the <i>Macclesfield</i> . . . . .	500
Captain John Hurle, the commander . . . . .	400
Other officers of the ship, specified sums, in all . . . . .	600
	7,050

In addition to their private ventures, which were strictly limited, this amount of capital was provided by the Company, and its agents were to have the profit realized on the return of the ship to London.

In 1715 the Company made a change in its practice. Each separate ship was no longer to form a separate venture, with her account and the transactions connected with her cargo kept independently. On the arrival of the ships at Canton, the supercargoes on board were in future to form one council, one of them being designated as chief, the others having a pre-arranged order of precedence; but all orders, accounts, and decisions were to be signed by all the members of the council, and only the cargo accounts were kept separate for each ship.<sup>2</sup> For the season of 1722, by which time the system had taken definite shape, four ships were dispatched to Canton, having on board seven supercargoes in all, who on arrival joined together to form the council. The reward for their efforts was granted by the court in three forms: <sup>3</sup> (a) 'Allowance' of a portion of the Company's stock on the ships, from which the profits were to be given to the supercargoes in certain proportions, as had been done with the *Macclesfield* frigate cited above. (b) 'Permission' to each to carry out a certain sum in foreign silver,

<sup>1</sup> *Macclesfield*, frigate, 1699 (at Canton).

<sup>2</sup> Court to Council for China, December 1715.

<sup>3</sup> *Ibid.*, December 1721.

and to bring back in gold the investment from that sum. (c) 'Privilege' of a separate venture, in goods both ways. The amount of each of these grants to each member of the council of 1722 was as follows :

	<i>Allowance.</i>	<i>Permission.</i>	<i>Privilege.</i>
	£	£	£
Mr. James Naish, chief member	3,000	1,500	200
Mr. Newman, 2nd „	1,800	900	150
Mr. Savage, 3rd „	1,800	900	150
Mr. Pratt, 4th „	1,200	600	100
Mr. Turner, 5th „	1,200	600	100
Mr. du Bois, 6th „	1,200	600	100
Mr. Talbot, 7th „	800	300	100
	11,000	5,400	900

The Company's stock on the four ships amounted to £141,828, at least nine-tenths in silver, which consisted of 80,000 ducatoons and 360,000 pillar dollars, in so far as the accounts disclose the amounts used for buying the return investment. For the season 1724, owing to the fear that China might be in a disturbed state in consequence of the death of the Emperor Kanghi, only one ship was dispatched to Canton, having on board two supercargoes. This number was never considered sufficient for a council, and to make it up to three the captain of the ship was added to it. The rewards were in the same form as in 1722 :<sup>1</sup>

	<i>Allowance.</i>	<i>Permission.</i>	<i>Privilege.</i>
	£	£	£
Mr. G. M. Pitt, chief member	1,500	10,000	150
Mr. Nicholson, 2nd „	1,000	2,000	100
Captain Hudson, 3rd „	500	none	none
	3,000	12,000	250

The Company's stock on board was £50,369, at least nine-tenths being in silver. Under the permission Mr. Pitt carried to Madras gold which realized 32,783 pagodas (£14,752), and Mr. Nicholson 6,483 pagodas (£2,916), each paying to the Company 3 per cent. as freight.

In 1721 all the supercargoes of four ships were given the 'allowance' and the 'privilege', but, in lieu of the 'permission', they had the option of paying a definite additional sum (in the case of the chiefs £1,000 each) into the Company's stock on board, and on this the court guaranteed them 80 per cent. profit, subject only to the ship's safe return to England.<sup>2</sup> This we may assume, then, to have been the value of the 'allowance' given to the supercargoes, since in all cases they were subject to no charge for freight, demurrage, or factory charges. The

<sup>1</sup> Court to supercargo of *Macclesfield*, December 1723.

<sup>2</sup> Court to Council for China, December 1720

profit on the 'privilege' would depend on the taste and judgement of the adventurer; a richly jewelled and enamelled watch, or an ingenious flint-and-steel apparatus, might attract buyers in Canton; a tastefully painted fan, a dainty ivory carving, a splendid embroidered robe might find in London buyers willing to give pounds for taels cost—a profit of 200 per cent. Given good judgement, it may safely be estimated as probable that a venture of £100 might realize £200 in Canton, and those £200 invested there might in turn realize £400 in London—a profit of only 100 per cent. on each transaction.

From the year 1731 the court added a fourth form of reward—additional to the others—in the shape of commission on the prime cost of the return investment; this was regularly 5 per cent. of the cost of the cargoes of all the ships entrusted to the council's care, and was divided between its members in fixed proportions. From the season 1734 this was increased to 5 per cent. of the price realized at the Company's sales in London—practically doubling its amount. The other three forms were still retained, but later on, between 1750 and 1760 (some of the records are missing), they were suppressed except for some small privilege in the way of private trade. The amount of the 'salary' of supercargoes at this period cannot be ascertained; but writers, instead of the £10 of the seventeenth century, were now paid £100 per annum.

For one China voyage the supercargoes gave three years to the Company's service; in that time their table was provided for them during twenty months; fourteen to fifteen months were spent on the voyage out and home; sixteen months were a rest period in England, and during six months they were subjected to a constant strain of trying work and intense anxiety. As reward for this, Mr. Naish and Mr. Pitt, mentioned above, may be assumed to have received the following sums:

	Mr. Naish.	Mr. Pitt.
	£	£
Capital to be provided . . .	1,700	10,150
Profit from allowance . . .	2,400	1,200
„ permission . . .	600	4,000
„ privilege . . .	600	450
Salary at £80 for three years . . .	240	240
	<u>3,840</u>	<u>5,890</u>

These supercargoes, thus provided for, formed the training school from which were taken the select committee at Canton, 1780–1834, who were the finest representatives that England could have desired of her mercantile community; and to the select committee succeeded the merchant princes of China of the nineteenth century.

HOSEA BALLOU MORSE.

## *Notes and Documents*

### *'Shire-House' and Castle Yard*

IN his Ford lectures on 'Township and Borough' (1898) the late Professor Maitland dealt, under 'castle and borough', with the connexion at Cambridge between the 'shire-house' and the castle, and with the fact that the castle 'is not in Cambridge; it is in Chesterton, a vill whose nucleus lies a mile or so away'.<sup>1</sup> His argument appears to me to be somewhat affected by his conviction that the castle mound, which is still to be seen, was 'the old burh of Cambridge' and that Oliver Cromwell "timbered" the old *burh* once more.<sup>2</sup> The belief that a castle of the Norman period represented an old English *burh* of the tenth century was, no doubt, then general, on the authority of Mr. G. T. Clark, who was responsible for it; but since I first called it in question, this belief has been gradually abandoned, and the evidence collected by Mrs. Armitage<sup>3</sup> must have finally disposed of it. My reason for holding that Maitland's argument is affected by this change of view among archaeologists is that he held a castle mound to be an indication of the place where the shire-moot was held even before the Conquest. His words are :

Legally it may be outside the borough, but for economic purposes within the borough we should often find the spot where in century after century the great people of the shire met month by month, and where the king's justices sometimes sat for a month at a time with 'the whole county' before them. In Cambridge (or rather, as a matter of law, just outside Cambridge) there stood an old wooden 'shire-house' at the foot of the castle mound.<sup>4</sup>

He held, therefore, that 'Cambridge is the right and proper moot-stow for the thegns of the shire, and has been so ever since those thegns formed a famous gild'.<sup>5</sup> Now, if Cambridge Castle 'was entirely new' at the Conquest and was wholly the work

<sup>1</sup> pp. 37-40, 119.

<sup>2</sup> pp. 37-8, 94.

<sup>3</sup> *Early Norman Castles of the British Isles* (1912). I would refer the reader to p. xiii of the preface.

<sup>4</sup> p. 38.

<sup>5</sup> p. 39.



of the Conqueror, as Mrs. Armitage asserts,<sup>1</sup> we cannot associate its 'castle mound' with the pre-Conquest meeting-place 'for the thegns of the shire'.

On the other hand, Maitland could have strengthened his argument for a connexion—at least in later days—between the 'shire-house' and the castle if he had sought for evidence in places other than Cambridge. Let us take, for instance, Norwich. Norwich, like Cambridge, had a castle mound; it also had 'within the castle a *shire-house*, where the assizes for the county of Norfolk, the sessions, and the county courts are held, and at which elections of the knights of the shire . . . and of the coroners for the county', &c. were held, and which, from Elizabeth's time, stood 'on the castle hill, adjoining to the north side of the castle', and gave name to 'Schirhousyerd';<sup>2</sup> in the third place, 'the inhabitants within the liberty of the castle, which is called the castle fee', enjoyed at Norwich franchises of a notable character.<sup>3</sup> Exempt from the spiritual jurisdiction of the dean of Norwich,<sup>4</sup> they had, in temporal matters, their own courts, held by the sheriff or by 'his constable of the said castle', as deputy, as the bailiffs of Norwich held theirs for the city. These bailiffs had no jurisdiction within the castle fee.<sup>5</sup> In 1345 the king granted to the citizens the separate jurisdiction of the fee,

but it continued to be a separate division, and to have a leet of itself, for it was not made a part of the other leets or to be within the jurisdiction or cognisance of any of the inquests of the four wards of the city, &c.<sup>6</sup>

The grant to the citizens was opposed by the sheriff, who contended that '*Castellond*, joining to the said castle', had always been with the castle, 'out of the jurisdiction of the citizens of the said city', and that its residents paid their farm to the sheriff and attended his court and view of frankpledge.<sup>7</sup> The citizens retorted that the change would not be to the damage of the king, 'so, nevertheless, that the house which is called *le shirehous* may be exempted from the jurisdiction of the bailiffs'.<sup>8</sup> Norwich appears to present the best parallel to Cambridge, but, unless one happened to know of Kirkpatrick's work, one might not be aware of the fact. This brings me to the chief point which I here desire to illustrate.

How can we combine the learning of the historical specialist

<sup>1</sup> *Op. cit.* p. 115. She there cites the late Sir W. St. John Hope's 'The Norman Origin of Cambridge Castle' (*Cambridge Antiq. Soc.* vol. xi).

<sup>2</sup> This was also styled *Curia Comitatus*. See for details, John Kirkpatrick, *History of the Religious Orders and . . . Castle of Norwich, written about 1725*, ed. Dawson Turner (1845), pp. 311 ff.

<sup>3</sup> See, for these, *ibid.* pp. 298 ff.

<sup>4</sup> They had a royal free chapel for themselves

<sup>5</sup> *Ibid.* pp. 301-2.

<sup>7</sup> *Ibid.* pp. 307-8.

<sup>6</sup> *Ibid.* p. 311f.

<sup>8</sup> *Ibid.* p. 310.

with the indispensable knowledge of the local antiquary? It is, unfortunately, quite exceptional to find the two united in one individual. At Cambridge, by one of these exceptions, Maitland wrote of ground with which he was personally familiar and used local records over which he himself had pored. Outside of Cambridge he was of necessity dependent on the work of local antiquaries. He did, indeed, venture on the generalization: 'I believe that the castle precinct, "the castle fee", has seldom been for all legal purposes a piece of a borough';<sup>1</sup> but, to prove that this belief was sound, he would have had to examine and cite countless books on local history, and to satisfy himself that he could rely on their statements.

Keeping to the east of England we find that another castle affords an instance in point. Colchester, like Norwich, had a castle with a mighty keep; it had also at least two of the features that Maitland noted at Cambridge. One of these was that the bailey, in which stands (for there is no mound) the above keep (formerly used as a county jail), was, according to Morant's statement, 'independent of the Corporation and not within the bounds of any one of the parishes'.<sup>2</sup> He cites, as parallel cases, Norwich and Worcester. The other of these features seems to have been quite unknown, even to Colchester antiquaries, till a few years ago. An inquisition as to the state of Colchester Castle was made in 1334, and in the return to that inquiry there is mention of a house in the castle, where the justices sat when they visited Colchester.<sup>3</sup> This would be in effect, if not in actual name, the 'shire-house'.

It is only by patient and careful investigation that the facts as to the exclusion of castles and their baileys from the jurisdiction of the towns in which they stood can be definitely established. There is apt to be confusion on this point between the actual site of the castle in relation to the walls of a town and the exclusion of that site from the town's jurisdiction. In the valuable book of Mrs. Armitage she states, of urban castles, that

less than a third are placed inside the Roman walls or the Saxon or Danish earthworks of the towns, while at least two-thirds are wholly or partly outside these enclosures. This circumstance is important because the position outside the town indicates the mistrust of an invader, not the confidence of a native prince.<sup>4</sup>

This question is quite distinct from that of an *enclave* within the town being exempt from its jurisdiction. Mrs. Armitage's contention is that 'even when the castle is inside the town walls,

<sup>1</sup> *Op. cit.* p. 38.

<sup>2</sup> See, for his proofs, the foot-note to his account of the castle (*History of Colchester*, ed. 1768, p. 10).

<sup>3</sup> *Cal. of Inquis.*, *Miscell.* ii, no. 1418

<sup>4</sup> *Op. cit.* p. 96.

it is almost invariably close to the walls, so that an escape into the country might always be possible'.<sup>1</sup> This, no doubt, appears to have been so, when allowance is made for changes in the walled area of a town.<sup>2</sup>

In a few cases, however, there was actual exemption, as at Norwich. Bristol Castle, for instance, 'was outside the city, and was not under its jurisdiction till James I granted this authority by charter'.<sup>3</sup> The case of Chester seems doubtful; 'it is quite certain', Mrs. Armitage writes, 'that the Norman castle of Chester lay outside the city walls, as the manor of Gloverstone, which was not within the jurisdiction of the city, lay between the city and the castle.' Boley Hill at Rochester<sup>4</sup> raises a difficult question; it was 'at one time included in the fortifications of the present castle . . . was included as an outwork in Bishop Gundulf's plan', and was enclosed by Henry III within the city wall. Yet 'up till very recently the Boley Hill had a special jurisdiction of its own'.<sup>5</sup> As at Chester this area was 'outside the line of the Roman wall'. It appears to me that these cases do not represent exempt *enclaves*, such as those of which we are in search.

We have here, surely, further illustration of the point for which I am contending, namely, the extreme difficulty, under present conditions, of obtaining exact information as to any locality without tedious search or actual personal knowledge. Even the latter, it appears, may not always be sufficient. At Cambridge, for instance, Maitland combined full personal knowledge with legal and historical learning; thus qualified, he was able to assert that Cambridge Castle was 'economically', but not legally, in Cambridge.<sup>6</sup> His rough sketch of the town of Cambridge shows the castle area not 'legally' only, but actually within Chesterton and outside 'the fortified area', 'the ditched, defensible, and house-covered nucleus', 'the house-bedecked area'. On the other hand, a first-rate authority, the late Sir William St. John Hope, who had himself examined the ground, held (as cited by Mrs. Armitage<sup>7</sup>) that 'the motte at Cambridge is placed inside the original bounds of the borough', inside the

<sup>1</sup> *Ibid.*

<sup>2</sup> On this point Mrs. Armitage correctly cites me (p. 96) as stating that Colchester Castle is 'only an apparent exception'; for on the north it is open country from the north wall of the keep.

<sup>3</sup> Mrs. Armitage, *op. cit.* (quoting Leyer), p. 112.

<sup>4</sup> *Ibid.* p. 32. So also p. 127.

<sup>5</sup> *Ibid.* pp. 196-201.

<sup>6</sup> *Township and Borough*, pp. 37-8. Cf. p. 119: 'In the castle's exclusion from the borough there may be something of legal fiction; but still the fact remains that in this quarter the open fields of another vill, namely Chesterton, came to the very verge of the fortified area of Cambridge.'

<sup>7</sup> *Op. cit.* pp. 55, 57, 115, from his paper on 'The Norman Origin of Cambridge Castle', in *Camb. Ant. Soc.* vol. xi.

town ditch, 'and the destruction of the houses to make room for it is thus explained'. There is no mention by Mrs. Armitage of that exclusion of the castle area from the borough on which Maitland insisted, although her view of the castle's position requires definite exclusion from the town, while his did not.

J. H. ROUND.

### *The Etymology of 'Bay-salt'*

THE word 'Bay-salt', which is often found in an English form from the fifteenth century onwards, has been interpreted as salt from Bayonne, salt from the Bay (of Biscay), or salt obtained from bays of the sea in general.<sup>1</sup> It can, however, be more precisely defined. The Patent Roll for 1364 contains a large number of licences to export cloth or money, and to bring back cargoes of salt from 'La Baye' or 'La Baie', which they all describe as in Brittany.<sup>2</sup> I venture to suggest that bay-salt means salt from the Baie de Bourgneuf in the department of the Loire-Inférieure. The identification of La Baie with this particular bay was proposed by Sir Harris Nicolas in 1847,<sup>3</sup> and repeated by Kervyn de Lettenhove and Siméon Luce in their editions of Froissart.<sup>4</sup>

Of the shore of the small bay of Bourgneuf, situate just to the south of the estuary of the Loire, and shut in and sheltered from the Atlantic by the island of Noirmoutier, the northern and southern curves are in the departments of the Loire-Inférieure and La Vendée respectively, corresponding to the south-west corner of Brittany and the north-west of Poitou; whilst the town of Bourgneuf itself, situate near the middle of the bend of the bay, is just on the north or Breton side of the border-line between the two departments. Bourgneuf and its bay were so near the confines of Brittany and Poitou, that the Patent Rolls seem to indicate a doubt whether 'La Baye' was to be described as being in Brittany or in Poitou, and more often they leave its

<sup>1</sup> See the *New English Dict.*, s.v. Since this note was sent to the printer, the writer has learned that a work on *Der Baienhandel* was published by the German scholar Agatz in or about 1908. He has also been referred by Professor W. E. Collinson to F. Kluge, *Seemannssprache* (Halle, 1911), p. 59, s. v. 'Bai', where Eng. 'bay-salt', Germ. 'Baisalz', and Dutch 'baaizout' are derived from the name of the port of La Baie. This suggestion was not made in Kluge's earlier *Etymologisches Wörterbuch der deutschen Sprache* (1894), nor is it made in Weigand's more recent *Deutsches Wörterbuch*, 5th ed. (1909).

<sup>2</sup> *Cal. of Patent Rolls, 1361-4* (1912), pp. 492, 507, 508, 511, 514, 515, all of the year 1364. The thirteen licences on pp. 514 and 515 are also in *Foedera*, Record ed., III. ii. 739, 740, with the heading: *De moneta usque la Baye in Britannia, pro sale emendo, ducenda*.

<sup>3</sup> *Hist. of the Royal Navy*, ii. 138.

<sup>4</sup> Kervyn, xxiv 1877, 62; Luce, viii (1888), p. xix.

whereabouts unexpressed. Thus in 1317 Edward II requested the duke of Brittany to obtain satisfaction for a Southampton merchant who had bought from three merchants of 'Burenef', in the parish of St. Ciry in Roys, a consignment of salt, and had paid for it, but was unable to obtain delivery.<sup>1</sup>

The earliest reference in the rolls to the importation of salt from 'La Baye' appears to be contained in a request by Edward II to the duke of Brittany in 1319 to restore a ship and its cargo belonging to a merchant of Southampton, who 'lately sent a ship . . . to La Baye for the purpose of buying salt for his use and of bringing the same to this realm'.<sup>2</sup> But the fact that La Baye is in Brittany is not explicitly stated until we reach the Patent Rolls of the year 1364, already mentioned. Another licence of the same year for a vintner of Sandwich to ship money and cloth to Gascony for the purchase of wine mentions a recent licence granted to him to ship money to 'La Baye in Brittany to buy salt with'.<sup>3</sup>

Twice at least, on the other hand, the place appears to be described in the rolls as in Poitou. Thus in 1323 the sheriff of Norfolk and other officers were ordered to make reprisals until satisfaction had been made by the count of Zeeland in respect of a Newcastle ship which had been captured by Zeeland pirates off Sandwich on its way to 'Le Bay in Poitou'.<sup>4</sup> Again, in 1349, proclamation was ordered to be made in London that no merchant or other of the king's subjects should 'buy salt at La Bay or elsewhere in Poitou', from any one except Henry earl of Lancaster, appointed the king's captain in those parts, or his lieutenant or ministers.<sup>5</sup>

<sup>1</sup> *Cal. of Close Rolls, 1313-18* (1893), p. 455. The name of the place is printed in the text of the volume as 'Burtnef', but this is corrected to 'Burenef' in the index.

<sup>2</sup> *Cal. of Close Rolls, 1318-23* (1895), p. 209. The ship and its cargo had been seized and carried away by Breton pirates, when it lay at anchor near the duke's town of 'St. Matthieu'. The index does not identify 'La Baye' and 'St. Matthieu' more precisely than to locate them in Brittany. The latter is evidently the port of Saint-Mathieu, dep. Finistère, cne. Plougonvelin, con. Saint-Renan, arr. Brest.

<sup>3</sup> *Cal. of Patent Rolls, 1364-7* (1912), p. 13.

<sup>4</sup> *Cal. of Close Rolls, 1323-7* (1898), p. 21.

<sup>5</sup> *Ibid. 1349-54* (1906), p. 140; *Foedera* (6 November 1349), Record ed., III. i. 190: ' . . . Ne quivis mercator, aut alius qui de ligeancia nostra fuerit, salem apud la Bay, vel alibi in partibus Pictaviae ab aliquo, nisi a . . . Henrico comite Lancastri, quem capitaneum nostrum in eisdem partibus constituimus, aut ab eiusdem capitanei locum tenente, vel ministris suis ibidem . . .,' the heading of the order being: 'Ne quivis salem apud la Bay ab aliquo, nisi a comite Lancastriae, emere audeat.' 'La Bay' is indexed in the calendar as 'Bourgneuf, la Baie de, France', without mention of the department. The appointment of the earl as 'capitaneus et locum regis tenens in partibus Pictaviae' had been made on the preceding 18 October (*Foedera*). In this case the placing of 'La Bay' in Poitou may be explained by the circumstance that since the outbreak of the dispute between the houses of Blois and Montfort for the succession of Brittany, consequent on the death of Duke John III without heirs in 1341, Edward had kept in his own hands this southern corner of the duchy. See Sir James Ramsay, *Genesis of Lancaster*, II (1913), p. 20 n.

Generally, however, the rolls do not even implicitly mention the whereabouts of what was evidently a well-known place. Thus, in 1338, two orders were issued that certain ships which were about to sail to Aquitaine and 'la Bay' for wine, salt, &c., should for defence and offence sail together in one fleet.<sup>1</sup> Again, in 1342 a reprisal order was issued to remedy the grievance of a merchant whose father had in 18 Edward II caused a newly-built ship of his to be freighted in Gascony with wine, &c., and had taken it to 'la Bay', where he sold part of the wine, reloaded with salt, and took his ship to the port of Lire in Normandy to trade, where it was seized and confiscated by the agents of the king of France.<sup>2</sup> Similarly, in 1350 a merchant loaded a ship 'with salt at la Bay', and freighted it to Winchelsea to be unloaded.<sup>3</sup> An order was made on 24 March 1360/1 for the restitution of a ship of Harfleur, which had been laden in the port of Noirmoutier with a cargo of salt of 'la Baye', and had been captured by English pirates.<sup>4</sup> Another order, issued a few days later, deals with another long-standing grievance, that of a merchant who in 21 Edward III had freighted a ship 'to sail to la Baye to lade salt there' and bring it to Youghal, which ship had had an adventurous homeward voyage.<sup>5</sup> In 1364 a general order was made to permit a merchant who, with the king's licence, was going 'to La Baie and other places for salt and other merchandise, to pass without impediment'.<sup>6</sup> The same year two licences were granted to export and sell herrings, and to buy with the proceeds a cargo of salt at 'La Baye'; whilst in the following year a safe-conduct was granted to a merchant who had received a licence to take his ship 'for salt and other merchandise at La Baye and other places'.<sup>7</sup> Safe-conducts were also given in 1370 for several Flemish ships which their owners were about to send to 'Le Bay and elsewhere to find salt and take it to Flanders',<sup>8</sup> and in 1376 an order was made concerning a ship which had been 'laded at the Bay with salt', and had been brought thence to the port of Blakeney in Norfolk.<sup>9</sup> Similarly, an order issued in 1391, in a suit about the freighting, &c., of a vessel for sailing to 'la Bay' for salt, loading her there, and bringing her back to Weymouth or Southampton, does not state where 'la Bay' is.<sup>10</sup>

<sup>1</sup> *Cal. of Close Rolls, 1337-9* (1900), p. 526.

<sup>2</sup> *Ibid. 1341-3* (1902), p. 435.

<sup>3</sup> *Ibid. 1349-54* (1906), p. 197.

<sup>4</sup> *Ibid. 1360-4* (1909), p. 256. The capture had been made the year before.

<sup>5</sup> *Ibid.* p. 178.

<sup>6</sup> *Cal. of Patent Rolls, 1361-4* (1912), p. 542.

<sup>7</sup> *Ibid. 1364-7* (1912), pp. 52 and 108.

<sup>8</sup> *Ibid. 1367-70* (1913), p. 439.

<sup>9</sup> *Cal. of Close Rolls, 1374-7* (1913), p. 404.

<sup>10</sup> *Cal. of Patent Rolls, 1388-92* (1902), p. 473. Cf. *Cal. of Close Rolls, 1385-9* (in the press), p. 329, *an.* 1387, a Winchelsea ship laden with salt at 'La Baye', and plundered off the coast of Brittany; and p. 592, *an.* 1389, a ship of Danzig

Finally, in one or two instances 'La Baye' is mentioned in the rolls as a trading centre, without any indication of the nature of the merchandise in which it traded. Thus in 1369 an order was made in regard to certain merchants who had lately loaded a Plymouth ship with 'divers merchandise' in 'the port of la Baye'.<sup>1</sup> And in 1388 the owner of a ship which had been prevented by order of the king from sailing to 'le Bay' for a cargo of 'goods' obtained licence to take it to Newcastle instead.<sup>2</sup> Of the 'divers merchandise' and 'goods' referred to in these two documents, it may be presumed that salt formed an important part.

In the rolls of the fifteenth century mentions of 'la Baye' are much rarer than in those of the fourteenth, and the tendency to leave its whereabouts unexpressed becomes the rule. The following are the only references to 'la Baye' which I have found in the Calendar of Patent Rolls as far as it goes, that is, down to the year 1509. In 1438 a licence was granted to take 'to the parts "del Baye"' a Newcastle ship which had been laden in the port of London.<sup>3</sup> A commission was appointed in 1440 to arrest nine pirate ships of Holland and Zeeland which were waiting to capture five Yarmouth vessels laden with salt at 'le Baye', and lying off the Isle of Wight,<sup>4</sup> whilst in the following year another commission was to inquire into the seizure and sale by pirates from Harfleur of a balinger of Brittany laden with salt of 'le Bay' and wine of La Rochelle.<sup>5</sup> Several commissions were appointed in 1451 to inquire into the seizure of certain ships of Holland and Zeeland which had been driven by stress of weather into the port of Camber by Winchelsea, when on their way home from 'le Baye' with 'divers goods and merchandise'<sup>6</sup>; whilst in 1453 another commission was ordered to inquire and make restitution in the case of a German ship which had been laden with salt and other merchandise at 'le Bay', and had been driven by a storm into the Humber, and there attacked and plundered.<sup>7</sup>

The foregoing references to the mediaeval import trade in salt from the port of 'La Baye' in Brittany, or 'La Baye' salt, especially during the fourteenth century, leave no doubt that we have here the explanation of the term 'Bay-salt' found in

laden with salt at 'La Baye' (communicated by Mr. C. T. Flower, of the Public Record Office). Cf. also an order by the duke of Brittany dated 8 June 1416, to release a Portuguese ship, the owner of which was presumed to be English, and which, when on its way to the port of 'La Baie', had been arrested and taken to Blavet, i.e. Port-Louis, dep. Morbihan (*Lettres et Mandements de Jean V*, ed. R. Blanchard, no. 1217).

<sup>1</sup> *Cal. of Close Rolls, 1369-74* (1911), p. 53.

<sup>2</sup> *Cal. of Patent Rolls, 1385-9* (1900), p. 400.

<sup>3</sup> *Ibid. 1436-41* (1907), p. 155.

<sup>4</sup> *Ibid.* p. 502.

<sup>5</sup> *Ibid.* p. 572.

<sup>6</sup> *Ibid. 1446-52* (1909), pp. 439, 440.

<sup>7</sup> *Ibid. 1452-61* (1910), p. 118.

the sixteenth-century customs records as the equivalent of 'British' or 'Breton' salt. The Port Books of Chester mention a cargo of 'Baye or Britishe salt brought in 1570 to Liverpool from Pulgayne in Brittany,<sup>1</sup> and other examples of this use of the term British salt may be found in the Liverpool municipal records.<sup>2</sup> In course of time, as was natural, the original meaning of the name 'La Baye' salt was gradually forgotten in England, and it is not surprising that it came to be applied to coarse grey sea-salt in general, quite irrespectively of the place which produced or exported it. Thus in 1566 a bill was introduced and passed through parliament 'for making of Bay Salt and White Salt within the realm',<sup>3</sup> and, a century and a half later, it even became possible to speak of 'Bay Salt of Guernsey'.<sup>4</sup>

J. A. TWEMLOW.

### *The Escheatrics, 1327-41*

THE two escheatrics *citra* and *ultra Trentam* were in existence by 1258 and remained unaltered until 1323. The later system of making the escheatrics coincident with the shrievalties was established in 1341. The eighteen years between these dates formed the period of experiment. Professor Tout has summarized the changes of 1323,<sup>5</sup> but the various alterations in the escheatrics between 1327 and 1341 and the relation of these changes to the politics of the period do not seem to have attracted attention.

The policy of two great escheatrics north and south of Trent was sanctioned by the ordinances of 1311, and was regarded as satisfactory to the baronial party.<sup>6</sup> Hence we need not wonder that the policy of Edward II, after his victory of 1322, included

<sup>1</sup> Public Record Office, Port Books (Chester), 1323/12. I owe this reference to the kindness of Mr. F. J. Routledge. Pulgayne is Le Pouliguen, on the northern shore of the estuary of the Loire.

<sup>2</sup> *Liverpool Town Books*, i (1918), p. 129, n. 2, p. 313, &c.

<sup>3</sup> *Commons' Journals*, i, 80, 81; *Lords' Journals*, i, 663, 664; D'Ewes, *Compleat Journal*, 2nd ed. (1693), pp. 113, 133, 134. As mentioned in *Liverpool Town Books*, i, p. 129, n. 2, 'bay-salt' occurs frequently in sixteenth-century municipal records, often in contrast with 'white salt'. To the examples there given from the *Records of Oxford* may be added a Portsmouth record of a ship called the 'Anne of seint Pole de lion in brytayne' (Saint Pol-de-Léon, dep. Finistère), with a cargo of bay-salt of 'burwang mesure', which it had taken on board at Burwang in brytayne aforesaid' (*Extracts from Records of Portsmouth*, new ed., by Robert East, 1891, p. 130, an. 1551). 'Burwang' may be Guérande, dep. Loire-Inférieure, a short distance inland from the northern shore of the mouth of the Loire. It occurs in the rolls, e.g. *Cal. of Patent Rolls*, 1377-81, pp. 322, 323.

<sup>4</sup> Stat. 2 & 3 Anne, c. 16, § 17 (*Stat. of the Realm*, ad. loc.). Cf. the *London Gazette* of 1708: 'Her Lading, consisting of French Bay Salt' (cit. *N. E. D.*, s. v. 'Bay-salt').

<sup>5</sup> *Place of the Reign of Edward II in English History*, p. 360.

<sup>6</sup> *Ibid.*



a rearrangement of the escheatrics. This was effected in the following year, when on 29 November the traditional offices were abolished and eight escheatrics set up composed of groups of adjacent counties.<sup>1</sup> One of the earliest results of the accession of Edward III was the restoration of the two escheatrics. This change, made during the session of the young king's first parliament, was accomplished in two stages. On 4 February 1327 Simon of Grimsby was appointed to the northern office,<sup>2</sup> yet the seven southern escheators were reappointed on the same day.<sup>3</sup> Within twenty-two days, however, they had been dismissed and the southern escheatry revived.<sup>4</sup> As Trussel's appointment to the office is said to have been by the king with consent of the whole parliament,<sup>5</sup> it may be supposed that one of the demands of the triumphant aristocracy was for a return to the customary division which the ordinances of 1311 had sanctioned. Though the two escheators fell with their patron Mortimer,<sup>6</sup> yet their offices survived until 2 July 1332, when the opposite system of eight county-group escheatrics was restored.<sup>7</sup> The change, it may be significant to note, coincided with a period of special taxation.<sup>8</sup> The four and a half years between 6 December 1335 and July 1340 are of special interest in the history of the escheatrics. The southern office was revived on the former date,<sup>9</sup> to be followed on 20 January 1336 by the restoration of the office north of Trent.<sup>10</sup>

Two matters must be noted as probably indicating the wish of royalist officials to strengthen their hold over power or at least to safeguard themselves from parliamentary or court attack. Customarily appointed 'during pleasure', the escheators were now given office for a definite period, Trussel, the southern official, being appointed on 16 April 1337 for twelve years,<sup>11</sup> and Metham, his northern colleague, on 19 October 1338 for eight years.<sup>12</sup> It is likely that the relationship between Trussel's various terms of office and the political changes would be worth investigating. The second noteworthy matter is the case of Ralph Middeleneye, who, though ordered to resign the escheatry

<sup>1</sup> *Cal. of Fine Rolls, 1319-27*, pp. 251-2. Lists of grouped counties comprising these are also summarized in Tout, *op. cit.*

<sup>2</sup> *Ibid.* 1327-37, p. 2.

<sup>3</sup> *Ibid.* pp. 6-7.

<sup>4</sup> *Ibid.* p. 22.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.* pp. 192-3.

<sup>7</sup> *Ibid.* pp. 317-8.

<sup>8</sup> Parliament had not granted supplies since the twentieth granted at Lincoln in 1327 (*Rot. Parl.* ii. 425). Crusading tenths had been granted by the church in 1331, half being reserved for the Papal Curia (*Foedera*, ii. 786). On 18 June 1332 private charters were called in for resealing (*ibid.* 839). One week later a tallage of one-fourteenth on movables and one-ninth on rents of Crown demesne was imposed (*ibid.* 840). A surtax on wool was also levied in addition to the old and new customs (*L.T.R. Enrolled Customs Accounts*, no. 5, m. 2, quoted by Ramsay, *Genesis of Lancaster*, i. 223).

<sup>9</sup> *Cal. of Fine Rolls, 1327-37*, pp. 465-6.

<sup>10</sup> *Ibid.* p. 469.

<sup>11</sup> *Ibid.* 1337-47, p. 13.

<sup>12</sup> *Ibid.* p. 105.

in Cornwall, Devon, Somerset, and Dorset on 6 December 1335,<sup>1</sup> was again acting on 4 April 1336,<sup>2</sup> and held office nearly five years longer,<sup>3</sup> the unity of the southern escheatry being thereby broken. Middeneye, indeed, did not surrender until 3 February 1341,<sup>4</sup> and so survived a change much more important than that of 1335-6. Mr. Tout has shown that, originally, the bureaucratic policy was to have county-group escheatrics and the baronial policy to have escheatrics north and south of Trent.<sup>5</sup> It is clear, however, that the two parties had exchanged policies before 1340. Edward III, returning from Flanders, involved in debt and foreign complications, was helpless before the parliament which met early in 1340. One of the grievances of parliament was the maladministration of the escheators. It was pointed out that the king and people were worse served by the two escheators than when there were various escheators of less estate. It was therefore enacted that the group system should be reverted to, and that the officers should be appointed for one year only by the chancellor, treasurer, and chief baron of the exchequer.<sup>6</sup> The statute was immediately put into force, the county groups being restored between May and July 1340.<sup>7</sup> The new officials in no case held office a full year, being all replaced between January and May 1341.<sup>8</sup>

The last and greatest change in the escheatrics occurred in November 1341, when the escheatrics were regrouped to coincide with the shrievalties,<sup>9</sup> an arrangement which was afterwards the regular practice. We must note that for the first appointments, in 1341, the sheriffs were without exception chosen as the escheators in their shrievalties.<sup>10</sup>

I propose now briefly to examine the phrases *citra* and *ultra Trentam* and to consider how far the river was actually the boundary between the two escheatrics during the same period, and particularly from 1327 to 1332, when the system of two great escheatrics was temporarily revived. A mere brook in much of its course through Staffordshire, the Trent subsequently flows through Derbyshire, Nottinghamshire, and Lincolnshire, forming a boundary between counties only in three small portions of its course. That it could not have been a satisfactory line of demarcation between the escheatrics is therefore obvious. This is especially clear in the case of lands such as those of Thomas of Bardolph (*obit*, ante 30 December 1329), which included the manors of Stoke Bardolph and Shelford situated in Nottingham-

<sup>1</sup> *Cal. of Fine Rolls, 1327-37*, p. 466.

<sup>2</sup> *Cal. of Close Rolls, 1334-7*, p. 562.

<sup>3</sup> *Ibid.*, 1337-9, *passim*; 1339-41, *passim*; *Cal. of Fine Rolls, 1337-47*, pp. 204, 205.

<sup>4</sup> *Ibid.* p. 205.

<sup>5</sup> Tout, p. 361.

<sup>6</sup> *Statutes of the Realm*, i. 283, 285, 294.

<sup>7</sup> *Cal. of Fine Rolls, 1337-47*, pp. 181-2, 184-5.

<sup>8</sup> *Ibid.* pp. 196, 199-201, 204-5.

<sup>9</sup> *Ibid.* pp. 246-8, 250.

<sup>10</sup> *Ibid.* pp. 250-1.

shire on either side of the river.<sup>1</sup> The northern escheatry was revived on 4 February 1327,<sup>2</sup> Simon of Grimsby receiving the northern portion of Nottinghamshire and Derbyshire from John of Bolingbroke, to whom, on the same day, the southern portions of these counties were recommitted.<sup>3</sup> Grimsby also received the parts of Staffordshire lying 'north' of Trent.<sup>4</sup> The southern portions of Nottinghamshire and Derbyshire and the whole of Lincolnshire were assigned to Trussel on the revival of the southern office on 26 February.<sup>5</sup> Notwithstanding this entire surrender of Lincolnshire to Trussel, the manors in the Isle of Axholme held as of the honour of Epworth by John of Mowbray, and forfeited in 1322, were administered by the northern escheator, and were the subject of an extent said to have been made by him on 12 February 1327.<sup>6</sup> Axholme, though in Lincolnshire, was technically north, really west of Trent. As regards Staffordshire, south of Trent, the records of surrender are wanting in the Fine Rolls, but we know that John of Hampton, the late escheator, had surrendered it to Trussel before 4 June.<sup>7</sup>

An examination of the entries in the Fine and Close Rolls relating to the activities of the escheators between 1327 and 1332 shows that in every case it is the southern officer who acts in Staffordshire quite irrespective of the locality of the manor north or south of the Trent.<sup>8</sup> On the other hand, a similar investigation regarding Nottinghamshire<sup>9</sup> and Derbyshire<sup>10</sup> reveals a uniform adherence to the fluvial division as the case of the Isle of Axholme cited above does in Lincolnshire. Presumably the river was intended to be the boundary, but the practical difficulties in Staffordshire were too great. This conclusion is borne out by the surrender of 1332 when the county-group system was revived. Trussel is recorded as surrendering all Staffordshire<sup>11</sup> and all Lincolnshire,<sup>12</sup> but only the southern parts of Nottinghamshire and

<sup>1</sup> *Cal. of Inq., Edw. III, vii. 174*; *Cal. of Fine Rolls, 1327-37, p. 157.*

<sup>2</sup> *Cal. of Fine Rolls, p. 2.*

<sup>3</sup> *Ibid. p. 6.*

<sup>4</sup> *Ibid. p. 2.*

<sup>5</sup> *Ibid. p. 22.*

<sup>6</sup> *Cal. of Inq., Edw. III, vii. 51-2.*

<sup>7</sup> *Cal. of Fine Rolls, 1327-37, p. 47.*

<sup>8</sup> Staffordshire: (a) Castle of Alton, with manors of Cotton, Farley, Wootton, north of Trent, and Manor of Bradley, south of Trent. Order of 16 October 1328 (*Cal. of Close Rolls, 1327-30, p. 328*). (b) Honor of Tutbury, north of Trent (*ibid. p. 155*). (c) Penkridge (*ibid. p. 296*). (d) Great Curborough (*ibid. 1330-3, p. 1*).

<sup>9</sup> Nottinghamshire: (a) Manor of Radcliffe on Soar, situate at junction of this river and Trent (*ibid. 1327-30, p. 125*). (b) Manor of Graneby, south of Trent (*ibid. p. 52*). (c) Stapleford, messuage, and two bovates (*ibid. 1330-3, p. 473*). For the lands of Thomas of Bardolph north of Trent see above, p. 220.

<sup>10</sup> Derbyshire:—South of river: Manor of Walton on Trent (*ibid. 1327-30, p. 512*). North of river: Manors of Holmefield, Elmeton, Oxcroft (*ibid. p. 52*), Tibshelf (*ibid. 1330-3, p. 359*), Ashford in Peak (*ibid. p. 85*), Eckington (*ibid. p. 464*), Eyam and Stony Middleton (*ibid. p. 471*).

<sup>11</sup> *Cal. of Fine Rolls, 1327-37, p. 318.*

<sup>12</sup> *Ibid. p. 317.*

Derbyshire,<sup>1</sup> the parts of these last two counties north of Trent being delivered by the northern escheator.<sup>2</sup>

The records of the surrenders in December 1335 and January 1336, when the two great escheatrics were again revived, very definitely indicate a complete division by Trent. On 6 December in the former year, the southern escheatry was reconstituted by the surrenders of Gilbert of Leatherhead, Walter of Cirencester, and Adam of Willoughby, escheators respectively in Lincolnshire, Nottinghamshire and Derbyshire, and Staffordshire.<sup>3</sup> They did not surrender in the northern parts of these counties until 20 January 1336.<sup>4</sup> This explicit statement of the nature of the division by Trent is vitiated by the inadequacy of the record of the changes in 1340. Trussel is then stated to have surrendered the whole of the counties concerned and Lancashire as well.<sup>5</sup> Metham, the retiring northern escheator, is recorded as only being appointed to Yorkshire, Cumberland, Northumberland, and Westmorland,<sup>6</sup> which he had held as part of his surrendered office. This, however, is obviously a restrictive order, as, had he not acted over a greater area, no new appointment to these counties need have been given him.

I have noted above, for 1327-32, how far practice differed from intention in the division by Trent. A similar examination of the acts of the escheators between 1335 and 1340 would show the divergence during the latter period. In the former case, the appointments of 1327 show an intention to divide by Trent; practice shows that Staffordshire could not be so divided, and the surrenders of 1332 indicate a recognition of this. In 1335 the appointments again show a definite intention to divide by Trent; the surrenders of 1340 record a very imperfect division; the question awaits answer, whether practice in these five years would prove, as in the former period, the clumsiness of the boundary. Previously to 1323 appointments were simply to one or the other of the offices, no exact limits being indicated; after 1341 the escheatrics were coincident with the shrievalties. It is only from these eighteen years of experiment and change that we may define what precisely was meant by the phrase *citra et ultra Trentam*. A list of escheators for England and the March for these years is appended, but I have not included the city of London, where throughout the period the mayor acted as the escheator, nor Holderness, which was made a separate escheatry on 11th June 1334.<sup>7</sup> S. T. GIBSON.

<sup>1</sup> *Cal. of Fine Rolls*, p. 318.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.* pp. 465, 466.

<sup>4</sup> *Ibid.* pp. 469-70.

<sup>5</sup> *Ibid.* 1337-47, pp. 181, 182, 185.

<sup>6</sup> *Ibid.* p. 185.

<sup>7</sup> The officers in this period were:

(a) Simon of Grimsby, appointed 11 June 1334 (*ibid.* 1327-37, p. 405), surrendered 20 February 1338 (*ibid.* 1337-47, p. 67).

(b) Wm. Lenlys, appointed 20 February 1338 (*ibid.*), died before 1 October 1344 (*ibid.* p. 390).

## ESCHEATORS NORTH OF TRENT, 1327-32

	<i>Appointed.</i>	<i>Cal. of Fine Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
Simon of Grimsby . . .	4 Feb. 1327	2	16 Aug. 1328	101
John of Bolingbroke . . .	16 Aug. 1328	101	24 Oct. 1330	192
John of Houton . . .	24 Oct. 1330	192	4 Nov. 1331	284
John of Lowther . . .	4 Nov. 1331	284	2 July 1332	317-18

## ESCHEATORS SOUTH OF TRENT, 1327-32

	<i>Appointed.</i>	<i>Cal. of Fine Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
William Trussel . . .	26 Feb. 1327	22	13 Dec. 1327	73
Simon of Bereford . . .	13 Dec. 1327	72		193
Substitute of Bereford.			23 Oct. 1330	
Robert Seliman . . .	23 Oct. 1330	193	17 Jan. 1331	222
William Trussel . . .	17 Jan. 1331	222	2 July 1332	317-18

## LOCAL ESCHEATORS, 1332-5

	<i>Appointed.</i>	<i>Cal. of Fine Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
Wiltshire, Hampshire, Oxfordshire, Bedfordshire, Buckinghamshire, Berkshire.				
Robert Seliman . . .	2 July 1332	317	31 May 1335	444
William of Northo . . .	31 May 1335	444	6 Dec. 1335	466
Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, Essex, Hertfordshire.				
John of Blomville . . .	2 July 1332	317	8 Mar. 1334	392
William of Rosteley . . .	8 Mar. 1334	392	7 Nov. 1334	423
Robert of Holewell . . .	7 Nov. 1334	423	6 Dec. 1335	466
Yorkshire, Northumberland, Cumberland, Westmorland.				
William Tatham . . .	2 July 1332	317	23 July 1332	318
John of Lowther . . .	23 July 1332	318	8 Mar. 1334	392
William of Clapham . . .	8 Mar. 1334	391	15 Sept. 1335	458
John Moryn . . .	15 Sept. 1335	458		
	Escheator north of Trent			
	20 Jan. 1336	469		
Cornwall, Devonshire, Somersetshire, Dorsetshire.				
Henry of Gulden . . .	2 July 1332	318	1 Oct. 1333	374
Ralph of Middleneye . . .	1 Oct. 1333	374	6 Dec. 1335 <sup>1</sup>	466
Herefordshire, Gloucestershire, Worcestershire, Shropshire, Staffordshire, Welsh March.				
Roger of Chandos, Kt. . .	2 July 1332	318	4 Feb. 1333	346
John of Peyto . . .	4 Feb. 1333	346	20 Feb. 1335	434
Adam of Willoughby . . .	20 Feb. 1335	434	south of Trent	466
			6 Dec. 1335	
			north of Trent	469
			20 Jan. 1336	

<sup>1</sup> But see below, Escheators 1335-40.

## LOCAL ESCHEATORS, 1332-5 (continued)

	<i>Appointed.</i>	<i>Cal. of Fine Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
Surrey, Sussex, Kent, Middlesex.				
William of Northo . . . . .	2 July 1332	317	31 May 1335	444
Walter of Hungerford . . . . .	31 May 1335	444	6 Dec. 1335	466
Warwickshire, Leicestershire, Nottinghamshire, Derbyshire, Lancashire.				
William Erneys . . . . .	2 July 1332	318	8 Mar. 1334	392
William of Bredon . . . . .	8 Mar. 1334	392	24 Mar. 1334	397
William Erneys . . . . .	24 Mar. 1334	397	5 June 1335	445
Walter of Cirencester . . . . .	5 June 1335	445	south of Trent 6 Dec. 1335 north of Trent 20 Jan. 1336	466  470
Lincolnshire, Northamptonshire, Rutland.				
Matthew Brown . . . . .	2 July 1332	317	12 Oct. 1332	332
Gilbert of Leatherhead . . . . .	12 Oct. 1332	331	16 Dec. 1332	338
Matthew Brown . . . . .	16 Dec. 1332	338	1 Feb. 1333	346
Gilbert of Leatherhead . . . . .	1 Feb. 1333	346	south of Trent 6 Dec. 1335 north of Trent 20 Jan. 1336	466  470

## ESCHEATORS NORTH OF TRENT, 1335-40

	<i>Appointed.</i>	<i>Cal. of Fine Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
John Moryn . . . . .	20 Jan. 1336	469	19 Oct. 1338	105
Thomas of Metham . . . . .	for eight years 19 Oct. 1338	105		
Yorkshire, Northumberland, Cumberland, Westmorland	18 July 1340	185		

## ESCHEATORS SOUTH OF TRENT, 1335-40

	<i>Appointed.</i>	<i>Cal. of Fine Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
William Trussel . . . . . (Devonshire, Cornwall, Somersetshire, Dorsetshire excepted). See below.	6 Dec. 1335	465-6		
	for twelve years 16 April 1337	13	27 May 1340	181-2

## ESCHEATORS IN CORNWALL, SOMERSET, DEVONSHIRE, DORSET

	<i>Appointed.</i>	<i>Cal. of Close Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
Ralph of Middeneye . . . . . Described as late escheator between 2 February and 15 March 1336, <i>Cal. of Fine Rolls</i> , p. 472; <i>Cal. of Close Rolls</i> , pp. 542, 551, 552.	.. ..	.. ..	6 Dec. 1335	466
	again acting 4 April 1336	562 <sup>1</sup>	3 Feb. 1341	205

<sup>1</sup> See also *Cal. of Close Rolls* for 1337-9 and 1339-41.

## LOCAL ESCHEATORS, 1340-1

	<i>Appointed.</i>	<i>Cal. of Fine Rolls, page</i>	<i>Surrendered.</i>	<i>Cal. of Fine Rolls, page</i>
Wiltshire, Hampshire, Oxfordshire, Bedfordshire, Buckinghamshire, Berkshire.				
John of Alveton . . .	27 May 1340	181	4 May 1341	221
Roger of Poley . . .	4 May 1341	221	10 Nov. 1341	247
Norfolk, Suffolk, Cambridgeshire, Huntingdonshire, Sussex, Hertfordshire.				
Robert of Clere . . .	27 May 1340	182	10 Jan. 1341	200
William Tollemache . . .	10 Jan. 1341	200	4 Dec. 1341	248
Yorkshire, Northumberland, Westmorland, Cumberland.				
Thomas of Metham . . .	18 July 1340	185	15 May 1341	226
John of Woodhouse . . .	15 May 1341	225	19 Nov. 1341	248
Cornwall, Devonshire, Somersetshire, Dorsetshire				
Ralph of Middeneye . . .	acting 4 April 1336	.. . .	3 Feb. 1341	205
John Caneford of Wellop . . .	3 Feb. 1341	204	died before 3 Aug. 1341	237, 240
Thomas Beaver . . .	3 Aug. 1341	237	19 Nov. 1341	247
Herefordshire, Gloucestershire, Worcestershire, Shropshire, (Staffordshire, Welsh March).				
Richard of Venables . . .	17 July 1340	184	died before 14 Nov. 1340	197
John FitzHerbert of Twycross . . .	14 Nov. 1340	196	20 Jan. 1341	201
John of Perton . . .	20 Jan. 1341	201	19 Nov. 1341	247
Surrey, Sussex, Kent, Middlesex.				
John of Bereford . . .	27 May 1340	182	3 Feb. 1341	205
William Picot . . .	3 Feb. 1341	205	8 Dec. 1341	248
Warwickshire, Leicestershire, Nottinghamshire, Derbyshire, Lancashire.				
William of Catesby . . .	10 July 1340	184	9 Jan. 1341	200
Richard of Marton . . .	9 Jan. 1341	199	3 Nov. 1341	246-8
Lincolnshire, Northamptonshire, Rutland.				
John of Trehampton . . .	27 May 1340	181	26 Jan. 1341	204
John Dymock . . .	26 Jan. 1341	204	19 Nov. 1341	247

*The House of Commons and St. Stephen's Chapel*

THE transference of the house of commons from the Chapter House of the Abbey to St. Stephen's Chapel in the palace of Westminster received little notice from contemporary writers. The *Commons' Journal* makes no reference to the change, while Stow merely states that 'This chapel or colledge (of St. Stephen) . . . was surrendered to Edward the sixth, since the which time,

the same Chappell hath serued as a Parliament house'.<sup>1</sup> Later writers have often assumed that the change took place in 1547, the year of the passing of the act (1 Edw. VI, c. 14) which gave the chapel of St. Stephen, among other colleges and chantries, to the Crown.<sup>2</sup> But by the terms of the act the king was not entitled to take possession until the following Easter,<sup>3</sup> which in 1548 fell on 1 April, and therefore this is the earliest date at which any change could have been made. Beyond this point, however, except for Stow's statement, we should not know how and when the chapel of St. Stephen was assigned to the commons were it not for the grant to Sir Ralph Fane, printed below,<sup>4</sup> which is dated 22 July 1550. The most interesting clause in this document states that the king had lately assigned the upper part of the chapel of St. Stephen 'pro domo parliamenti et pro parliamentis nostris ibidem tenendis'. From this it is clear that Edward VI set aside St. Stephen's for the use of one of the houses of parliament somewhere between 1 April 1548 and 22 July 1550, though of course it does not follow that the commons had already assembled in the chapel by the latter date. Important alterations may have been thought necessary, before St. Stephen's could be put to its new use, but no detailed accounts of these have yet come to light. There is an imperfect series of pay-books relating to works at the palace of Westminster, dated 2-3 Edward VI,<sup>5</sup> but these contain no definite reference to changes in the chapel. The following entries from the *Acts of the Privy Council* show, however, that in 1549 alterations were going on in one or other of the houses of parliament:

Feb. 28, 1549. 'The same Thresaurer had warrant for xvij<sup>li</sup> xiijs vjd to John S<sup>r</sup> John for charges about the Lower Hows of Parliament appering by a bill of particulars.'<sup>6</sup>

Aug. 20, 1549. 'The Recevour of the Duchy had warrant for C<sup>li</sup> in prest to Laurence Brodshawe towerdes the reparacion of the Parliament Hows, and of the Hows to kepe the Registres of the Kinges Majeste.'<sup>7</sup>

Dec. 3, 1550. 'A warraunt to — to paie xviiij<sup>ne</sup>li xviijs to Richard Pennythorne, in full contentacion of a bill of particulars writen the ij<sup>de</sup> of Decembre last, which arr for the workes about the Parlyament Howse.'<sup>8</sup>

<sup>1</sup> *Survey of London* (ed. C. L. Kingsford, 1908), ii. 121.

<sup>2</sup> St. Stephen's is not expressly mentioned in the act, but the Ministers' Accounts for Middlesex, 1-2 Edw. VI, no. 298, ff. 55, 59, in the Public Record Office, contain a statement that it was one of the colleges vested in the Crown 'virtute cuiusdam Actus Parliamenti de huiusmodi Collegiis Cantariis Gildis fraternitatibus dissolvendis apud Westmonasterium Anno regni sue Maiestatis primo editi et provisi'. These are the accounts cited by Brayley and Britton, *The Ancient Palace and late Houses of Parliament* (1836), p. 432 f., as 'an account Roll . . . in the Augmentation Office'.

<sup>3</sup> *Statutes of the Realm*, iv. 25.

<sup>4</sup> I am indebted for this reference to Professor A. F. Pollard.

<sup>5</sup> Exchequer Accounts, Works, bundle 474, no. 20 (Public Record Office).

<sup>6</sup> *Acts of the Privy Council*, New Series, ii. 245.

<sup>7</sup> *Ibid.* ii. 316.

<sup>8</sup> *Ibid.* iii. 172.



The last two extracts would convey more to us, if we could attach an exact meaning to the phrase 'parliament house'. It sometimes seems to signify the house of commons, as is probably the case in the grant to Fane, and in certain contemporary passages in the *Acts of the Privy Council*,<sup>1</sup> but it is also possible that the term was at times applied to the house of lords, while elsewhere it seems impossible to decide which house is meant.

After the execution of Fane in 1552, much of his property was given to Sir John Gates,<sup>2</sup> and the grant<sup>3</sup> conveying it is identical with Fane's, except for the omission of the Kentish estates. Containing as it does the same interesting details about the topography of Westminster, it has been briefly quoted by Malcolm,<sup>4</sup> while other historians of Westminster, such as Walcott<sup>5</sup> and J. T. Smith,<sup>6</sup> refer to both documents. Brayley and Britton<sup>7</sup> give a long summary of the grant to Fane, which they took from an incomplete transcript in the British Museum,<sup>8</sup> probably dating from the seventeenth century; but their wording is inaccurate at the critical point where the king sets aside St. Stephen's as a house of parliament.

WINIFRED JAY.

Pat. 4 Edw. VI, p. 9, m. 22.

Rex Omnibus ad quos etc. . . salutem. Cum in consideracione fidelis et acceptabilis servicii nobis per Dilectum servientem nostrum Radulfum ffane Militem in guerris nostris . . . facti et impensi idem Radulfus ad ordinem statum gradum honorem et dignitatem baronetti<sup>9</sup> per nos erectus suscitatus et creatus extiterit . . . Sciatis quod nos tam in consideracione dicti servicii dicti Radulfi ffane nobis in forma predicta et aliter antehac facti et impensi Et ut idem Radulfus onus gradus et status sui predicti melius sustinere valeat et possit . . . dedimus et concessimus ac per presentes damus et concedimus prefato Radulfo ffane Militi [here follows a long list of Kentish estates, once belonging to Edward, duke of Buckingham]. . . Ac etiam damus et de uberiori gratia nostra certa sciencia et mero motu nostris et de advisamento predicto concedimus prefato Radulfo ffane totum domum et scitum nuper Collegii seu libere Capelle Regie sancti Stephani in Westmynster in Comitatu Middlesexie modo dissoluti Ac totam ecclesiam eiusdem nuper Collegii ac omnia domos edificia Capellas claustra cameras ortos pomaria gardina introitus terras et solum nostra ac alia commoditates et hereditamenta nostra quecumque

<sup>1</sup> *Ibid.* iii. 400, v. 202.

<sup>2</sup> For Fane and Gates see the *Dictionary of National Biography*.

<sup>3</sup> Pat. 6 Edw. VI, p. 5, m. 28.

<sup>4</sup> Malcolm, *Londinium Redivivum*, iv. 186.

<sup>5</sup> Walcott, *Memorials of Westminster*, p. 231.

<sup>6</sup> J. T. Smith, *Antiquities of Westminster*, p. 128.

<sup>7</sup> Brayley and Britton, *The Ancient Palace and late Houses of Parliament* (1836), p. 431 f.

<sup>8</sup> Brit. Mus., Add. MS. 6176, fo. 22.

<sup>9</sup> This is the original of the well-known statement in Fuller's *Worthies* (1662, Part i, p. 111): 'Sir Ralph Fane in a Patent passed unto him, is expressly term'd a Baronet.'

infra Scitum Septum ambitum circuitum et procinctum eiusdem nuper Collegii seu libere Capelle Ac omnia alia domos edificia Cameras Curtilagia ortos pomaria gardina vacua funda terras solum commoditates et hereditamenta nostra quecumque insimul situata iacentia et existentia infra limites et bundas sequentes in Westmynster predicto ac eidem nuper Collegio seu libere Capelle adiacentia spectantia et pertinentia ac parcelas possessionum inde nuper existentium prout scituantur iacent extendunt protendunt et abbuttant super Westmynster Bridge versus boream et super aquam Thamisie versus orientem et super pontem vocatum le Quenes bridge versus austrum et super domum vocatam the lordes parliament howse versus occidentem et austrum et super le White hall et domos ac edificia vocata Curiam Augmentationum et revencionum Corone Regie ac Aulam et edificium vocatum Westmynster hall versus occidentem et super domum Recepte Scaccarii ibidem versus boream Damus ulterius ac pro consideracionibus predictis et de avisamento predicto per presentes concedimus prefato Radulfo ffane Militi totum introitum et le entre dicti nuper Collegii seu libere Capelle Regie sancti Stephani Westmonasterii in Westmynster predicto unacum porticu eidem adiacenti prout iacet et existit subter le Galary ibidem ducentem ad le Starre Chamber unacum omnibus et singulis domibus Cameris Cubiculis ac edificiis vacuis terris commoditatibus et hereditamentis nostris quibuscumque ex utraque parte eiusdem introitus et le entre ac dicto nuper Collegio seu libere Capelle dudum spectantibus et pertinentibus prout scituantur extendunt pertendunt et abbuttant super terram vocatam Westmynster Palais versus boream et super domum Recepte Scaccarii ibidem versus occidentem et super aquam thamisie versus orientem Excepta tamen semper et extra presentem concessionem nobis heredibus et Successoribus nostris omnino reservata superiori parte ecclesie sive Capelle dicti nuper Collegii quam nuper accepimus et assignavimus pro domo parlamenti et pro parlamenti nostris ibidem tenendis de super le Vawlte inferioris Capelle sive ecclesie ibidem . . . [Here follows a grant of the advowson of a living in Essex.] Ac tenendum predictum Scitum dicti nuper Collegii et cetera premissa in dicto Comitatu Middlesexie et in dicto Comitatu Essexe de nobis heredibus et Successoribus nostris ut de Manerio nostro de Estgrenewiche in dicto Comitatu nostro Kancie per fidelitatem tantum in libero Socagio pro omnibus serviciis et demandis quibuscumque . . . [a further reference to the Kentish estates] Ac omnia exitus redditus revenciones et proficua omnium et singulorum premissorum cum pertinentibus in dicto Comitatu Middlesexie a festo Pasche quod fuit in Anno Regni nostri secundo hucusque provenientia sive crescentia habenda eidem Radulfo ffane ex dono nostro absque Compoto seu aliquo alio proinde nobis heredibus vel Successoribus nostris quoque modo reddendo solvendo seu faciendo Quiquidem Manerium mesuagia terras tenementa et cetera omnia et singula premissa superius expressa et specificata cum pertinentibus modo extenduntur ad clarum annum valorem quatuor decim librarum trium solidorum decem denariorum et unius quadrantis. Eo quod expressa mencio etc. In cuius rei etc. Teste Rege apud hynnyngham Castellum xxii die Iulii.

*An Unpublished Letter from Charles I to the  
Marquis of Ormonde*

OF the *provenance* of the letter printed below I can only say that I found it in an old box labelled 'Family History', which has recently come to my hands, after having belonged to my ancestors for several generations. The box contained numerous letters and documents for the most part of mere family interest, some dating from the first half of the eighteenth century, and one document, a bill of lading, dated '28th of Maye 1662'.

The letter is written on a sheet of paper 12 by 8 inches in size, bearing near the centre a watermark which may be described as two parallel lines about one-eighth of an inch apart, with an expanding base, the whole  $2\frac{1}{4}$  inches long, and bearing at the top a pennon with two wavy points. Mr. Gilson, keeper of manuscripts at the British Museum, to whom I sent a tracing of the watermark showing its position in relation to the wire-lines, kindly informs me that the tracing agrees with the watermark and lines on the letter of Charles I to Lord Herbert of Ragland (Glamorgan) dated at Oxford 28 February 1645/6: Harley MS. 2988, fo. 203, and that several instances of the watermark are to be found in the Nicholas Papers, Egerton MS. 2533, from the year 1641. We may infer, therefore, that the paper on which the letter is written was in existence at the stated date. The phraseology and even the peculiarities of spelling can all be paralleled in Charles's known letters, and, when writing informally to Ormonde, he habitually used the same or nearly the same string of adjectives before the word 'frend' leading up to his signature.<sup>1</sup> But in the opinion of competent persons who have been consulted the handwriting is not that of Charles I. Carte, indeed, informs us that Charles's letters to Ormonde at about this time were for the most part written in cipher, and he adds: 'The reader will easily distinguish this sort of letters by the writer and his correspondent's being therein spoken of generally in the third person.'<sup>2</sup> This seems to explain the awkward recurrence of the words 'Ormond Marquis', near the beginning, where we should expect simply 'you'. Similarly, in the transcript of Charles's letters to his wife written about the same time, we frequently find the words 'the queen' where we should expect 'thou'. It may also explain the word 'dislikes', as suiting the third person. Dr. H. H. E. Craster, sub-librarian at the Bodleian, to whom I sent a photograph of the letter and a transcript of the endorsement, writes to say,

(1) that the endorsement follows the model of Ormonde's endorsements and

<sup>1</sup> See Carte, v. 1-19.

<sup>2</sup> *Ibid.*, preface, vol. v.

that these are autograph, (2) that the letter itself is not in Ormonde's hand, but is apparently in the hand of a secretary in Ormonde's employ, for it recurs in other decoded letters in the Carte collection.

He adds, 'there is no trace in that collection of the original cipher letter or of any duplicate transcript of it'. We may, I think, conclude that the document is an authentic decipher or transcript made for Ormonde of a letter from Charles I.

To show how the letter coincides with established data it is necessary to recall a few facts and dates: on 28 March 1646 Ormonde and the commissioners of the confederate catholics signed articles of peace. These articles were conditional on the transport into England of 10,000 Irish foot for the king's service before 1 May, and were not to come into force nor to be published before that date.<sup>1</sup> On 3 April the king wrote to Ormonde announcing that he had resolved to put himself to the hazard of passing into the Scotch army now lying before Newark.<sup>2</sup> This letter did not reach Ormonde until 20 May,<sup>3</sup> and meanwhile, in the absence of the king's confirmation of the articles of peace, Ormonde was uncertain what to do. The time had passed when an Irish force, even if forthcoming, could be usefully employed in England. He was surrounded by enemies and doubtful friends, and all he could do was to obtain a cessation or armistice up to 13 July.

Charles arrived with the Scots at Newcastle on 13 May. From his letters written thence to his wife we can gain much insight into his mind and the projects he had at heart.<sup>4</sup> Though disillusioned in his expectations of getting immediate assistance from the Scots, except on terms to which he was unwilling to agree, he was not without hope of making an accommodation with them. On 11 June Charles supersigned the 'letter attested by Lainrik' (Lanerick), mentioned in that now published, in which he says: 'But for many reasons too long for a letter we thinke fitt to require you to proceede noe further in treaty with the rebels, nor to engage vs upon any conditions with them after sight hereof.'<sup>5</sup> This letter reached Ormonde on 24 June and increased the difficulties and dangers encompassing the loyalists in Ireland, but he had no doubt that it was what it purported to be, a genuine order from the king to stay further proceedings with the articles of peace. On 29 June Ormonde and the council replied that they would 'proceede noe further in that treatie with the rebels',

<sup>1</sup> Carte, iii. 230.

<sup>2</sup> *Ibid.* vi. 362.

<sup>3</sup> *Ibid.* p. 382.

<sup>4</sup> *Charles I in 1646* (Camden Society). The originals of these letters, which have been published from an eighteenth-century transcript, are not forthcoming, but as the editor says, 'they prove themselves'.

<sup>5</sup> Carte, vi. 392. 'Lanerick' was William Hamilton, created earl of Lanerick (Lanark) on 30 March 1639. He was brother of James, duke of Hamilton.

explaining at great length, however, that in their defenceless condition they conceived it their duty to renew the cessation to 13 August.<sup>1</sup>

On 4 July Lord Digby, secretary of state, who had just arrived from the queen and was much disconcerted at the stop put on the peace, wrote to Ormonde an account of what purported to be the latest advices from the king and were, no doubt, what the queen believed or desired. It was to the effect that the king really wished the peace to be concluded, but that he could not 'express his pleasure in any way but what the Scots should force from him'—that in short Ormonde was to disregard all orders except what came in the king's cipher, or was conveyed to him by the queen and prince of Wales.<sup>2</sup> This account of the king's situation, however, appears to have been exaggerated and in part imaginary. The king's numerous letters to his wife while he was at Newcastle show that he found means of frankly expressing his inmost thoughts, and they moreover indicate plainly that this order to Ormonde was what he thought at the time best for his purposes. No doubt Charles was influenced by the circumstances in which he was placed, and would not have authorized the letter had he not been urged to do so by the Scots; but he was trying hard to gain the Scottish forces to his side, and, as he afterwards wrote to his wife, the conclusion of peace with the catholics would 'infallibly hinder all accommodations' with the Scots.<sup>3</sup> He was also at the moment sending a message to London 'with an offer to go there upon honourable and just conditions'. The earl of Argyle was about to go to London with the professed intention of inducing parliament to moderate its demands, and if his intervention was to have a chance of success it was necessary to cease negotiating with the Irish rebels. On 16 June, the day after Argyle left, Charles writes to his wife to tell of Argyle's mission, and adds:

I think fit to send thee my answers to Argyle's queries, because it is an epitome of all our main business. The letter which it mentions that I have written to Ormond [meaning the letter of the 11th] is only to stop further treating there after the receipt of it, but meddles nothing with what was done before.<sup>4</sup>

Clearly when Charles wrote the letter of 11 June he meant to stop Ormonde from publishing the peace.

The queen, however, was always urgent that Charles should make peace with the Irish catholics, and in most matters he yielded to her judgement. Unfortunately we have not got her letters at this time to the king, but we can judge to some extent of their

<sup>1</sup> Carte, vi. 405-11.

<sup>2</sup> *Charles I in 1646*, letter of 19 August, p. 60

<sup>3</sup> *Ibid.* pp. 415-17.

<sup>4</sup> *Ibid.* p. 47.

purport by his answers. Montreuil arrived at Newcastle about 9 July with letters and instructions from the queen, and the king, replying on 15 July, tells her that he will do nothing concerning Ireland but by Montreuil's advice, adding that he had 'dispatched to Marquis Ormond, as thou wilt find by my letter yesterday'.<sup>1</sup> The king clearly refers to his letter to Ormonde of 14 July, which is not forthcoming, but is mentioned in that now published, where the king says 'the same whereof was to follow the Queenes direction'. The same letter is also mentioned in a dispatch from Montreuil to Mazarin dated the next day, in which Montreuil says that Charles had already written to Ormonde to take no account of his prohibition to negotiate. He could not, he added, send him formal powers to come to terms with the Irish, lest he should seem guilty not only of inconstancy, but in some sort of bad faith. It would be enough that he had bidden him to receive orders in future from the queen and the prince.<sup>2</sup> In a subsequent letter to the queen, written on 23 July, Charles says :

As for the things which thine of the 12th [2nd Old Style] of July accuse me of, I only say this ; I believe the queen will find, upon good examination, that I have not erred, unless it were concerning Ormonde [i.e. in the letter of 11 June], for which I have since [14 July] made amends.<sup>3</sup>

Nowhere does he hint or try to excuse himself on the ground that the letter of 11 June was written under duress, or that it was other than his deliberate act in furtherance of what he at the time (however mistakenly) believed to be his best interests.

At length, after long hesitation, relying on the assurances of Lord Digby, which were formally entered on the council-book, Ormonde, though not without misgiving (as appears by his letter to the king next day), caused the peace to be proclaimed in Dublin on 30 July.<sup>4</sup>

On Saturday 1 August Charles received letters from the queen dated 'the 2<sup>nd</sup> and 3<sup>rd</sup> of August', equivalent to 23 and 24 July in Charles's reckoning. Charles, in his reply on 5 August, says in a postscript, 'I have dispatcht to Ireland as the queen desires'.<sup>5</sup> The letter so dispatched to Ireland was clearly the letter to Ormonde of that date, now for the first time published. We may infer, too, that the queen, having heard from Digby

<sup>1</sup> *Charles I in 1646*, p. 54.

<sup>2</sup> Montreuil to Mazarin July 16/26, Arch. des Affaires Étrangères, ii, fo. 438. I quote from Gardiner, *Great Civil War*, iii 154 (ed. 1901) ; but the letter, which we now know was written on 14 July, could not have been carried to Ormonde by Digby, as suggested by Gardiner, seeing that Digby arrived from France on 4 July. The copy sent by Charles to the queen was enclosed by her to Ormonde on 7/17 August (Carte, vi. 426).

<sup>3</sup> *Charles I in 1646*, p. 55.

<sup>4</sup> Carte, vi. 419-21.

<sup>5</sup> *Charles I in 1646*, p. 58.

that Ormonde was hesitating to act on his report of 4 July, had urged Charles to give direct instructions to Ormonde to conclude the peace. This letter, as we know from the endorsement, was received by Ormonde on 25 August. It was not necessary to lay it before the council in Dublin, as Ormonde with the assent of the council had already proclaimed the peace in Dublin and was endeavouring, with scant success, to have it proclaimed in other towns in the south and west. Moreover, it was obviously essential that the final sentence in the letter should not be made public. But it was important to Ormonde to preserve the letter for his own protection, as a direct warrant from the king, in case his action should ever be called in question. He had Charles's disavowal of Glamorgan as a warning. Hence he did not destroy it. How it came into the safe-keeping of my forbears must remain, for the present at all events, a matter of conjecture.

Though Ormonde had already proclaimed the peace in Dublin before the king's letter of 5 August reached him, and indeed before it was written, yet it was perhaps this authentic assurance of the king's will that induced him to undertake in person the forlorn hope of making the peace a reality elsewhere. Three days after the receipt of the letter, he left Dublin with a small force for Kilkenny, where he was at first received by the people with demonstrations of joy. But he soon found that he could do nothing with the clergy. Rinuccini issued a decree ordering them to denounce the peace and threatened excommunication to all who favoured it. So, after all, the peace was no peace. Whatever chance it may have once had was lost through the long delay which gave Rinuccini and the extreme papal party time to organize opposition to it. Rinuccini seems to have preferred chaos to 'the Ormonde Peace', and the chaos continued until at long last it was reduced into the semblance of order by the sword of Cromwell.

GODDARD H. ORPEN.

Newcastle 5 Aug : 1646

Ormond I hope, that before this, you will haue receiued myne of the 14: of July which I sent to you two Severall wayes, the sume whereof was to follow the Queenes *direction* but least Ormond Marquis should iudge that not a sufficient warrant to doe what the Queene will direct Ormond Marquis I find it necessary for my present affaires to comand you to conclude the Peace of Ireland according to the Articles that you sent to the Queene, which I haue pervsed, and dislikes none but that concerning the Court of Wards which I would not part with uppon any tearmes, wherefore I desire you, if you can, stryke out that Article, but lett it pass rather then not conclude the Peace which I beleeve you may doe without contradicting my letter attested by Lainrik you haueing Signed y<sup>e</sup> Articles long before you received it soe y<sup>t</sup> it is noe new act but only

a confirmation of the ould, this reason I will openly approve of and desire it may be made to mee but not knowen that it comes from

Your most asseured reall  
faithfull constant frend

C Rex :

The letter is endorsed :

His Maties : 5<sup>o</sup> } August  
Rec. 25<sup>o</sup> } 1646

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*Lord Elgin's Report on Levantine Affairs and  
Malta, 28 February 1803*

IN the Public Record Office is a long dispatch of the British ambassador to Constantinople, Lord Elgin, written on 28 February 1803, while in quarantine off Valetta, concerning the threatening state of affairs in the Levant and the menace of a reoccupation of Egypt by the French, as contained in Colonel Sebastiani's report, published in the *Moniteur* of 30 January 1803. The same volume contains letters of General Stuart from Egypt in the winter of 1802-3 concerning the many complications with the Mamelukes and the Turkish authorities, which had postponed the evacuation of that land by the British troops under his command. Dispatches of Alexander Stratton, the British *chargé d'affaires* at Constantinople, also set forth the anarchy in many parts of Turkey, and the activity of French intrigues in the Morea, Albania, and the Republic of the Seven Isles (Ionian Isles). The assembly of Russian and Austrian forces near the Turkish frontier also caused anxiety, and seemed to presage a partition of that empire. The evidence that reached Arthur Paget at Vienna was of the same tenor.<sup>1</sup> These circumstances had induced the Porte to point out to the British government the desirability of its retaining Malta, from which the British garrison had not been withdrawn, owing to the non-fulfilment by Russia and Prussia of their guarantees of the Maltese article (no. x) of the Treaty of Amiens. Elgin's reference to the exclusive character of French commercial policy was warranted by the refusal of the first consul to conclude a commercial treaty and his setting of many obstacles to British trade in France and her subject lands.

J. HOLLAND ROSE.

Public Record Office, Foreign Office, Turkey, 38.

After referring to the continued occupation of Malta by our troops and the fears caused by Bonaparte's conduct, Lord Elgin points out the immense importance of Malta—'whether in regard to the ambitious views of Bonaparte, the fate of the Turkish Empire, or the general means of exclu-

<sup>1</sup> *Paget Papers*, ii. 42, 72, 79.



sive trade which France certainly has in contemplation towards the Levant. The first point which presents itself is the schemes of Bonaparte directed against Egypt: schemes which (independently of numberless other decisive proofs) M. Sebastiani's late mission amply ascertains to be anxiously cherished and very imperfectly even now kept under restraint. On this point there can be no doubt that Bonaparte considered the possession of Malta as indispensable for his invasion of Egypt: <sup>1</sup> that no attempt for the recovery of Egypt could be undertaken by England while the French remained in occupation of this Island; and that incalculable advantages were secured to the Military and Naval advantages [*sic*] of the expedition under Sir R. Abercrombie and Lord Keith from the dépôts and port of La Vallette.

'The next point, on which the influence of Malta is no less obvious, is also brought into evidence by Colonel Sebastiani's Mission, namely, the disposition said to have been created in the Ionian Islands of declaring themselves French. M. Italinski<sup>2</sup> informed me at Constantinople of the Emperor's determination to withdraw the Russian Troops from those Islands in the ensuing Spring. He also assured me of his conviction, to which M. Sebastiani has since given a confirmation, that Bonaparte would not neglect that or any other object of aggrandisement in the Mediterranean. At the same time there does not exist a spot more ripe for the admission of any new Government, or more apt for the extension of French intrigue than these Islands. Corfu, on the other hand, tho' now defenceless, could easily be rendered impregnable by the French: and already they are busy in creating an interest with Ali Pasha of Albania, now Governor also of Roumelia, thro' whom they could by influence or force, arrive at the gates of Constantinople without possibility of resistance.

'Nor are the views of France less dubious against the Morea; the plans for the dismemberment of Turkey which have been in agitation, may for the present be opposed by Russia; but even under this favourable circumstance, the Porte, in the present temper of the two Governments has surely more to dread from the ambition of Bonaparte than hope from the moderation of the Emperor. At all events your Lordship is well aware from the frequent proofs of solicitude which the Porte has evinced for Great Britain to retain Malta, and especially from the Memorial on this subject addressed to His Maj. in Nov<sup>r</sup> 1801 (as strong a measure, perhaps, as that cautious Government ever adopted) that the Porte does estimate the duration of its independence by the period of our continuance in possession of this Island.

'There remains one fact, which ought never to be neglected, when considering this question, namely, that the total disorganization and impotency of the existing Government in Turkey, while it leads to the expectation of great internal convulsions, heightens also the danger from foreign attacks. But, from whatever source, it is obvious that any change of dominion in Turkey, more especially any conquest there by France, must be of the utmost importance to the British Interests in Europe and

<sup>1</sup> In 1797 he sent a French agent, Ponssielgue, to Valetta to undermine the allegiance of the Knights of St. John.

<sup>2</sup> Italinski had been Russian envoy at Naples, and then for a time at Corfu.

in India : and yet it cannot be doubted that, if we retire beyond the Mediterranean, we can exercise no effectual interference either to prevent or to modify such events ; and have no other resource to counteract them than expensive and extensive measures, similar to those lately found necessary for the recovery of Egypt. If, however, we retain Malta, Great Britain will be able, under all probable occurrences in the Levant, to adopt that line of conduct respecting them, which may at the time be the best suit her situation. She may from Malta either interpose a great degree of influence, or she may carry on vigorous operations : or (which appears the most likely) she may be at liberty to remain a passive observer of the affairs in the Levant.' The report then points out how desirable a base Malta would be for British trade with the Levant, now jeopardized by the exclusive rights of commercial navigation enjoyed by France in the Black Sea.

## *Reviews of Books*

*Outlines of Historical Jurisprudence.* By SIR PAUL VINOGRADOFF, F.B.A.,  
Corpus Professor of Jurisprudence in the University of Oxford. Vol. i.  
*Introduction : Tribal Law.* (Oxford : University Press, 1920.)

SIR PAUL VINOGRADOFF gives us in this volume the first instalment of what promises to be a comprehensive and valuable treatment of the whole field of jurisprudence. He calls it 'Historical', but he evidently intends his historical treatment to be both general and comparative. The book opens with an elaborate introduction, the first part of which treats of law in its relation to logic, to psychology, and social science (under which term he includes economics), and political theory. The second part deals with methods and schools of jurisprudence, these schools being classified as (a) rationalists, including, among those who proceed on the basis of theoretic principles, writers so different one from another as are Hobbes and Kant, Rousseau and Bentham; (b) nationalists; and (c) evolutionists. From this preliminary survey our author proceeds to the main substance of the book in a series of chapters on tribal laws which fill the rest of the volume, and are devoted to the following subjects: The Elements of the Family, Aryan Culture, The Clan and the Tribe.

The themes dealt with in the Introduction, comparatively familiar to most of us, are handled in a temperate and catholic spirit. Sir Paul Vinogradoff is justly surprised at the importance which Englishmen of the last generation attached to the lucubrations of John Austin, and he remarks upon their barrenness. He gives a few pages to the controversies, largely due to the misunderstanding by opposing parties, of terms which, though common to both, are often employed in different senses; but as I have stated my own views on this subject, and especially on the controversies relating to the doctrine of sovereignty, in a book (*Studies in Jurisprudence*) published some years ago, I will not add to the number of the combatants. Sir Paul's remarks on the views and services of Sir H. Maine and of F. W. Maitland are justly appreciative. One is a little surprised at the importance he assigns to Darwinism as having induced the application of a new method to the study of constitutions and laws. That the idea of the growth and development of institutions by a continual process of change and development became more widely diffused throughout the general public after Darwin had pointed out the methods and processes by which the species of animals and plants might have been, and probably were, differentiated, is no doubt true. The analogy—it was only an analogy—between these processes and the growth of human institutions was interesting and stimulating. But the idea of development as applied

to human progress in many departments of civilization was a very old one, and had been frequently fertile in the hands of philosophic historians, although few may have thought of setting it forth as the basis of a system. Darwin's work had a great and real value, the sense of which time has not lessened, but the novelty lay not in broaching the doctrine that species became differentiated but in pointing out various ways in which the differentiation, long conjectured, had probably taken place. As regards Herbert Spencer, to whom also our author refers, British as well as French and German historians seem disposed to doubt whether they owe to him anything of value in the way of ideas or suggestions, whether in fact he did more than set forth in elaborate formulas ideas or doctrines which, whether sound or merely conjectural, they knew well enough before. Sir Paul Vinogradoff's tribute to the work of Rudolf Ihering is well deserved. It is a pity that some at least of the books of that vigorous and original thinker have not been translated into English, for he is one of the least technical of the Germans who have treated these subjects, and accordingly his ideas, like Savigny's, bear translation better than do those of most of his German colleagues.

More than half of the volume is devoted to a careful and penetrating study of early tribal law in the three departments of (a) personal family relations, including marriage and parentage; (b) joint ownership and the right of succession to property; and (c) tribal or clan organization. The examination of these topics is prefaced by some remarks on the Aryan group of peoples and the connexion between various branches of that stock which comparative philology has established. Is there, however, much reason to think that there is any definite body of institutions specially characteristic of these peoples, as distinguished from the institutions of the races whom we call Semitic, or 'Allophylia', or 'Turanian', or Berber, or American, or even negroid? The term 'Aryan' was invented as part of a definitely linguistic classification. But in point of fact we find many customs or institutions which, because they had been first observed in the Greco-Italian, or Celtic, or Teutonic, or Slavonic peoples, were deemed characteristic of the so-called 'Indo-European' branch of mankind to be in fact present in other branches, because they were the outgrowth of tendencies belonging not to any particular group but belonging to men as men. Sir Paul Vinogradoff himself very properly includes in his survey these other branches of the human race, and finds in their customs many relevant facts. Take for instance the Pacific islanders. The tribal organizations of the Tahitians and Samoans or the quasi-feudal system of the Hawaiians furnish remarkable instances of family or gentile groupings which show how complex and elaborate distinctions and classifications may be among primitive races far removed from all the influences of the Old World.

Things which are primitive are not necessarily simple. Often they are highly complex, and advance is towards simplification. A parallel may be found in literature. The versificatory system of the Old Norse poetry (preserved chiefly in Iceland) is in its way as elaborate and artificial as were the classifications of relationship among the aboriginal races of the Pacific coast described by L. H. Morgan in his illuminative study of that region.

It is impossible in a notice of this kind to enter into the numerous and sometimes intricate questions dealt with in this study of tribal customs and organizations. Enough to say that the book is a contribution of the highest value to the early history of law. It is marked not only by wide learning but by the sound and temperate judgement brought to topics obscure in themselves and in some measure darkened by hasty assumptions. It seems to go pretty nearly as far as the data at our present disposal permit us to go in the way of a synthesis of the continually increasing materials, for much still remains to be done in the way of connecting customs with primitive religions and those phenomena which are loosely described as folk-lore. Fustel de Coulanges may have laid rather too much weight on such phenomena in his explanation of the Greco-Italian communities by ancestor-worship and cognate facts, but he indicated a method which may be profitably applied to many other communities.

A few sentences (p. 368) deserve quotation as indicating a truth which well states the utility of these investigations and evidences a clear grasp of the economic conditions of primitive society :

Jurisprudence even in its most modern phases is bound to be historical in so far as it takes stock of the social conditions which call forth legal principles : it is also bound to be analytical in so far as it examines the logical consequences of these principles and their rational combinations. The results are never quite rational or simple : various side influences and cross-currents bring in unexpected turns and complicate actual developments. Opposition and compromises between conquerors and conquered, psychological peculiarities, industrial discoveries, the pressure of economic needs, produce all sorts of variations which it would be impossible to reduce by dialectic process to the evolution of one or the other principle.

BRYCE.

*The Ancient History of the Near East.* By H. R. HALL, M.A., F.S.A.  
(London : Methuen, 1919.)

MR. HALL, whose work reached its fourth edition in 1919, may well congratulate himself that in a time of such uncertainty, when publication has become so expensive, his book has been so cordially accepted by the necessarily rather limited public, which seeks to know the early period of ancient history. He has certainly succeeded well in carrying out the aim which he set for himself. As he says, his book is intended mainly for the use of students in the School of Literae Humaniores at Oxford, and he lays down the correct principle that the history of Greece cannot be fully understood without a competent general knowledge of the early history of the western Oriental world. Every scholar will agree with the words that 'Greece was never a land by itself, fully Western in spirit, supremely civilised in a world of foolish Scythians and gibbering black men'. Nor will the great majority of scholars differ from him in thinking that Greece originally 'was as much or as little Oriental as Egypt'.

The illustrations are well chosen, well reproduced, and calculated to interest the reader and give added effect to the story related in the text. The portrait of King Amenhetep III is a good example. It is so lifelike and so highly individual in type as to throw a strong ray of light on the very interesting account which Mr. Hall gives of the Egyptian king and

to interest the understanding reader and even the ordinary popular reader in the story. We read in the text of the dominant influence of his queen Tii, that she

ruled not only the court, but the king also, and we do not wonder at it when we see the energy of her face as shown in her portraits: and we may if we please see in the union of Amenhetep with Tii evidence of a romantic element in the king's character, which would not be unlikely in the father of the artist philosopher Akhenaten.

We feel therefore rather disappointed that Mr. Hall has commemorated the portrait of the king alone, and left the queen to the obscurity of a sentence in the text and some references (with expressions of doubt) in the foot-notes. If the king was a figure of such character in history as the text shows, and as his portrait quite suits, we should like to see also the portrait of the lady who 'ruled the king', whose 'strong feminine influence' produced the genius and the half insanity of Amenhetep IV her son, when 'the result was disaster'. There is doubtless good reason for the omission, which probably Mr. Hall regrets as much as his readers do.

It may, however, be doubted whether Mr. Hall has not been misled by the greater interest and by the abundance of documents relating to the rise and fall of kings into depreciating unintentionally the observation of the great forces which run through history. I find little, and that merely incidental and fragmentary, with regard to the real effect upon the history of nations of the flowing and ebbing tides of conquest. The conqueror, as a general rule, seized part of the land, usually a certain proportion fixed according to old religious law, taking possession of a share for himself and distributing portions among his most trusted officers; while the conquered people were expected to live on the soil and maintain its cultivation in the interest both of themselves and of the new lords. This forms a thread running through history which can be traced from many centuries B. C. down to the struggles of the present day, when the question of the land is seen to lie at the basis of many great economic and political struggles. The reader cannot feel that sufficient attention is paid to this side of history, or that sufficient notice is taken of the allusions to this topic, usually incidental and unstudied, and therefore all the more trustworthy, which occur in various inscriptions.

On the greatest principle which has emerged in the recent study of ancient history Mr. Hall is almost silent. Doubtless he regards it as outside the scope of his purpose. It relates not exactly to the ownership of the land, but to the binding of the cultivator to residence and work on the land. We dimly look back to an early time in western Asia when the theocratic principle ruled and when people were servants of the god. As in the Holy Land, so in Anatolia, we see the lordship of the land and of its inhabitants passing from the god of the country to the kings and princes. As far back as we can conjecture, the custom must have existed that most people lived on and cultivated the land of the god under his guidance. The same custom remained when the lordship of the god ceased; but it was only a custom, not a rigid law, and it was greatly modified by the influence of trade, communication across country, and the influence of trade guilds. We see the power of this custom in the last centuries B. C. The remarkable inscription engraved about 160 B. C. on the wall within

the temple of Cybele at Sardis, but recording a contract made about 280, illuminates the operation of the principle and the circumstances which tended to make it binding. In Egypt the evidence of papyri illustrates it. The most striking reference to it is in the Gospel of Luke ii. 1-3, where it appears in the principle that every person had his own proper home (*idia*); and, although he was free to leave this home, he was by an edict of the Emperor Augustus bound to go back once every fourteen years to his own home to be counted in the imperial census. Augustus did not originate the tendency to restriction to the *idia*; and the true spirit of the empire was against it. The custom of restriction to the *idia* hardened into law, but did not become the law of the empire until A. D. 415, when the owner of the land was recognized as possessing a legal right to the work of the cultivator. Connected with this are certain aspects of the feudal system and the whole system of serfdom in Europe during the middle ages, which lasted in Russia down to 1861. There is surely evidence to be gathered about the early stages in the growth of this attachment to the soil during the period which Mr. Hall treats, and we should be glad to see in a new edition of his excellent book a chapter on the subject.

On p. 205 a tantalizing allusion occurs to the development of ancient Babylonian law. The laws 'relating to agriculture, to the recovery of debt, and the conditions of divorce are especially interesting'. There is no further allusion to the first two topics, except that a foot-note remarks upon the large literature which has grown up about these laws. The third topic is treated in the remainder of the paragraph, and the curious fact is pointed out that in old Sumerian times the wife had no such rights, which were reserved for the man alone; but in the time of Khammurabi the law had been modified in favour of the woman. As a general rule the tendency of war and conquest is to exaggerate the rights of the man and diminish the rights of the woman. Peace is favourable to the female side, and brings out the importance of the woman in economic life and society generally. Mr. Hall's paragraph concludes with a brief allusion to the fact that in the ancient Sumerian laws 'the man is more important than the woman, the father than the mother, the husband than the wife', and he points out the

striking contrast to Egypt, where the 'Lady of the House' was usually a more important person than the mere 'Male', as the husband was called, and where men often preferably traced their descent in the female line. In Egypt there was always a strong trace of *Mutterrecht*, but none in Babylon. Still women were, generally speaking, quite as independent in Babylon as in Egypt. They could own property, whether in houses or slaves, and could personally plead in the Courts.

It is true that (as is stated at the beginning of this review) one cannot rightly understand Hellenism without appreciating the conditions amid which Hellenism was developed and the nature of pre-Hellenic civilization. The reviewer has maintained this principle for forty years; and the earlier of those forty years were spent in the wilderness. He wholly agrees with Mr. Hall in this respect. But to exaggerate this so as to compel students to study hypotheses, more or less fanciful and all necessarily inadequate, is educationally worse than the dictum of Grote that all early Greek history is mere myth, or Freeman's principle (sound in itself) that to know any part

of history you must know all history. No man, and no student, can know the original authorities for all history, as Freeman's principle logically required. A book like Mr. Hall's belongs to the period of life and the frame of mind in which one either is interested in the story of great kings and is borne onwards by the rapid narrative of their conquest, or sympathizes with the account of their stubborn resistance to dangerous enemies. The reviewer can only regret that he had not access to the book at an early period in life when he ranged over the field of history with no thought of examinations, but simply for the love of romance and truth and knowledge. There is another long part of life in which Mr. Hall should find responsive readers, that is, amongst those who are themselves engaged in historical research, and who will appreciate the skill with which the author has distributed his attention over many different parts of the field of investigation, and the competence which he has shown in each.

WILLIAM MITCHELL RAMSAY.

*Virgile et les origines d'Ostie.* Par JÉRÔME CARCOPINO. (Bibliothèque des Écoles Françaises d'Athènes et de Rome, fasc. cxvi; Paris: Boccard, 1919.)

THE subject of this original and informing book may be described as the prolegomena to the history of Roman Ostia. While its interest is connected primarily with the early history and cults of Rome and the Latin seaboard, it makes a special appeal to students of Virgil; for it is in the *Aeneid* that M. Carcopino finds the main support of his thesis. In fact, as the index of passages referred to shows, the volume provides an almost continuous commentary on the action and topography of the last six books. Since 1907 the site of Ostia has been systematically explored, but from the beginning of his studentship at the French school in 1904, M. Carcopino devoted himself to the subject which he has made his own, as a series of papers published in the *Mélanges* and elsewhere testifies. Here he gives us his discovery of the secret of Ostia. The problem arises from the discrepancy between the legendary date of its foundation as the earliest Roman colony, and the fact, revealed by modern exploration, that the Roman settlement was not older than the third century B. C. M. Carcopino finds his solution (which we can state only in the barest outline) in the existence of a federal Latin sanctuary, the chief god of which was Volcanus, the oldest supreme deity of Rome, the consort of Maia and father of the Lares, and, under another aspect, the sacred Tiber itself. There is plenty of epigraphic evidence to show that the cult was maintained under the empire. The title of an organization connected with it, the *Sodales Arulenses*, perhaps preserves the earliest name of the place—*Arula*. The sanctuary was situated in the country of the Laurentes, whose capital Lavinium is to be found at Pratica di Mare, not far from the coast, on the way to Ardea. It was on the site of this sanctuary that Virgil makes Aeneas found his 'New Troy', just to the east of the Roman town, on the great bend of the river. Here, if anywhere, the temple of Vulcan, which excavations in the town have failed to bring to light, will probably be found. M. Carcopino shows in detail how all the surrounding natural



features agree with the Virgilian scenery. Thus the *fontis stagna Numici* is the 'Canale dello Stagno', and Albunea is, of course, the Zolfoforata, an hour's walk from Pratica, though we may remark that it is hardly correct to say that this identification, originally made by the Swiss Bonstetten in 1805, has been rejected by all the modern commentators. The reason why Virgil connected the city of Aeneas with the primitive sanctuary of Ostia was his desire to commend the project of Augustus to create a new harbour, the *portus Augusti*, for the rebuilt town, a project which was carried out by Claudius. This theme is developed with a remarkable wealth of detail and illustration. If M. Carcopino does not always carry us with him the whole way of his conclusions, his arguments and evidence are always full of suggestion and information. The book is an important contribution to the study both of Virgil and of the topography of ancient Latium.

G. McN. RUSHFORTH.

*The Mediaeval Attitude towards Astrology, particularly in England.* By THEODORE OTTO WEDEL. (Yale Studies in English, lx. Newhaven, Connecticut: Yale University Press, 1920.)

THIS is a valuable study of a very interesting subject. Mr. Wedel shows how the study of judicial astrology, which had fallen out of favour during the early middle ages owing to the hostility of the church, revived in the twelfth century under Arabian influence, and came to play a considerable part in the intellectual life of the succeeding age. He is inclined to represent the success of this movement in the teeth of theological opposition as constituting, despite the now generally admitted baselessness of astrological theory, a genuine victory for the scientific spirit; and he has therefore but little respect for the patristic, mediaeval, and renaissance critics of the doctrine of stellar influences. The facts, however, of which he has given us a very full and useful account, may be looked at from a different point of view. No doubt the champions of astrology may often have deserved, like many other defenders of erroneous views, the admiration which is always due to boldness of speculation and to disregard of personal danger in the cause of what is held to be truth. No doubt again, if we look in the later middle ages for an analogue to what is nowadays called 'naturalism'—that is, the philosophy which affirms the possibility of explaining the whole experience of mankind, religion and morality included, on the principles applicable to nature as distinguished from spirit—we shall find it in the astrological determinism which maintained itself in some quarters until the Aristotelian and Ptolemaic cosmology had finally given way to the Copernican. But it is very questionable whether the true interests of natural science were at any time really bound up with those of judicial astrology, and whether there is not more to be said than Mr. Wedel allows for the arguments brought against it by its theological opponents.

Mr. Wedel sometimes seems to do less than justice to the importance of the distinction which exists between admitting that the bodily condition of men, and therefore their mental condition so far as affected thereby, might be determined by 'the stars'—that is, by the general course of

nature—and seeking in the influence of the heavenly bodies the explanation of all that befalls human beings, including their voluntary actions and moral character. He is apt to treat any statement of the former position as a concession to the latter. But, in the first place, it is possible to hold that the principles on which events in the physical world are predicted by men of science are inadequate to explain all human actions without affirming that these are wholly independent of physical conditions and limitations; and, in the second place, even for a rigid determinist there would surely remain a considerable distinction between the ‘astronomical’ and ‘astrological’ ways of regarding the relation of the heavenly bodies to individual human beings (although, no doubt, the same person may, like Ptolemy, regard them in both ways at once); nor was there anything necessarily inconsistent or half-hearted, even before the supersession of the Ptolemaic by the Copernican system, in a refusal to combine them.

I venture to think also that Mr. Wedel does not distinguish with sufficient clearness (see pp. 82 and 155, n. 1) between the belief that diviners cheated men’s senses by diabolical illusion and ‘the more modern sceptical view that the whole thing is humbug’. The man who had the special skill which enabled him to manipulate the forces of the spirit world was not on the level of a mere trickster dealing in sleight of hand or the like, however unlawful his art or unworthy the use he made of it. I am personally grateful to Mr. Wedel for his suggestion on p. 38 of an explanation of the reference to Plotinus in John of Salisbury’s *Policraticus*, ii. 19; but is not the Macrobius passage intended *Somn. Scip.* i. 19 § 27 (not § 8)? And should not the reference to Vincent of Beauvais’s *Speculum naturale* on p. 65, n. 1, be iii. 39 (not iv. 34)? Mr. Wedel does not, by the way, tell us what the edition of Vincent was which he found in the New York Public Library. I think that the statement on p. 60 that John of Salisbury ‘was quite oblivious of the new learning which had already crossed the borders of Spain’ is too strong in view of the interesting remark in *Metalogicon*, iv. 6, about the countries in which demonstrative science, such as Aristotle had in view in his *Analytics*, was still pursued. It is true that this passage does not suggest that this kind of learning had yet ‘passed the borders of Spain’; but at least he knew of its existence in that country and in the other lands where the Arabian culture then prevailed. On p. 126 Mr. Wedel tells the story of Hippocrates and the physiognomist from the *Secretum Secretorum* without noticing that it was originally told of Socrates. Greenhill in the article on Hippocrates in Smith’s *Dictionary of Classical Biography* has given a satisfactory explanation of its transference to Hippocrates by the Arabians and of the appearance of ‘Philemon’ in their version of the tale.

C. C. J. WEBB.

*Codice Diplomatico del Monastero di San Colombano di Bobbio fino all' Anno MCCVIII.* A cura di CARLO CIPOLLA e GIULIO BUZZI. (*Fonti per la Storia d'Italia*, 52-4.) Three volumes. (Rome: Istituto Storico Italiano, 1918.)

THE preface to this collection of the charters and records of the abbey of Bobbio is dated 1908, but not much more than half the first volume was

printed when Count Cipolla died in November 1916. The work was then taken on by Dr. Buzzi, whose name is associated with Cipolla's in the title of the second volume, and who is alone responsible for the third. Cipolla's reputation as an editor of mediaeval texts had been established for very many years. Buzzi, on the other hand, was a brilliant young scholar who was cut off in September 1918, barely six months after he had completed this book, at the age of thirty-three. I had been attracted by the remarkable promise which he showed from the time when he published his first essay in 1912, and his premature death is a heavy loss to Italian historical scholarship. The chartulary before us is compiled in the first place from the collection of Bobbio muniments preserved in originals or transcripts in the archives of state at Turin. These are supplemented by texts of varying value found in the Vatican, at Milan, Modena, and other places. It is to be regretted that Signor Buzzi was not allowed to make full use of the Bobbio documents preserved in the Doria-Pamphili collection at Rome (iii. 54 seq.), but he was enabled to print from it a large part of a diploma of Lewis II of 865, which had escaped Count Cipolla, and which is of importance as furnishing the model on which several later forgeries were based. The number of documents here printed is 313, but this total includes not a few which are known only from citations. Some of them, such as the surveys of the monastic lands in 862 and 883 (i. 184-217), and of the end of the twelfth century (ii. 269-83), run to great length. The editorial work is done with elaborate care. The texts are described and collated, and the diplomatic characteristics of such documents as are found in originals are minutely analysed. The fault of these prefatory notices is their extreme diffuseness. In dealing with doubtful documents, Count Cipolla sets out impartially the arguments for and against them, but does not often commit himself to a definite judgement. Here his colleague parts company with him, and in the third volume arrives at positive conclusions on the whole subject, which he states with great ability, but, it must be confessed, with much prolixity and a considerable amount of repetition.

The reader who seeks in these volumes for new light on the Irish beginnings of the monastery of Bobbio will be disappointed. He will find little more than the well-known inscription of St. Cumian (i. 118-23) and the ninth-century elegiac *lamentum* printed already by Mai and Traube. For the library he will still have recourse to Muratori and Traube, to Cipolla's *Codici Bobbiesi*, and not least to Rudolf Beer's masterly essay. The main interest of the present collection, apart from its local value, is centred in the disputes which arose as to the privileges of the house and in the series of forgeries which were constructed in order to enlarge its claims. Under the Lombards and Carolingians Bobbio ranked strictly as a royal foundation, and the abbacy was often conferred on ministers of state, who might hold bishoprics as well. But the monastery was ecclesiastically subject to the bishop of Piacenza, and early in the tenth century the monks resolved to assert their independence of him. For this purpose they set to work to produce evidence to prove that their house was immediately subject to the Holy See. Signor Buzzi (ii. 66) holds that they forged sixteen papal bulls and royal and imperial diplomas, and among

these forgeries, in opposition to Sickel and to Count Cipolla, he includes the bull of Honorius I of 11 June 628. The monks, it appears, possessed a copy of the *Liber Diurnus*, now preserved at Milan, which furnished them with formulae for the composition of bulls; but the particular formulae which were employed in this bull are taken from a section which was added to the *Liber Diurnus* half a century after Honorius's time (iii. 41-4). The bishop of Piacenza at once protested, and soon after 914 John X addressed a severe monition to the abbot (i. 288-90). But the monks were not long to be restrained, and in the first years of the eleventh century they produced a fresh batch of forged documents. Then for the moment the Emperor Henry II settled the dispute by erecting Bobbio into a see by itself and making the abbot its bishop. But very soon the two offices were held by different persons, and the contest was renewed.

In the century following we learn little that bears directly on the point. Signor Buzzi, however, is persuaded that in 1143 Innocent II yielded to the demands of the monastery and conferred upon it a complete 'exemption' (iii. 78, 143, 147, 157):

Innocenzo II sottraendo il monastero da qualsiasi giurisdizione ed ingerenza imperiale e vescovile e riservando a se il diritto di conferma dell' abbate eletto e di consecrazione del medesimo, sia direttamente, sia per delegazione di un altro vescovo, ristabiliva integralmente su questo punto la situazione del periodo langobardo (iii. 146).

But Signor Buzzi has misread the document. Though the bull of Innocent II, which was repeated with no material change by Lucius II a year later, conferred a special privilege on the monastery, it was a rule of law that privilege thus granted was limited to the terms of the grant. Innocent III was laying down no new principle when, in reply to the question,

*utrum clerici et laici qui litteras protectionis ostendunt, in quibus personae suae expresso nomine cum omnibus rebus suis sub apostolica protectione consistere declarantur, a iurisdictione episcoporum dioecesani sint exempti,*

he decreed 'quod per litteras huiusmodi ab episcoporum suorum potestate minime subtrahuntur'.<sup>1</sup> In 1143 the pope took the monastery of Bobbio under his protection, but so far from exempting it from the authority of the bishop he only permitted it to seek 'the chrism, the holy oil, and ecclesiastical consecrations' from a bishop of its own choice, in the case of the see of Bobbio being vacant or in schismatical hands (ii. 38). What the bull really did was to confirm the monastery in the possession of its property, and in doing this to decide in its favour a number of local claims which had been contested between it and the bishop. Signor Buzzi urges in favour of his interpretation that the monastery appears in the *Liber Censuum* 'tra i dependenti direttamente dalla santa sede e censuali della medesima' (iii. 148). But the *Liber Censuum* was concerned with finance, not with jurisdiction: it recorded merely that the monastery was charged with a yearly payment to Rome; and Alexander III laid down that, 'sicut non omnes qui specialiter beati Petri iuris existunt annuatim Apostolicae sedi censum exsolvunt, ita non omnes censuales ab episcoporum subiectione habentur immunes'.<sup>2</sup>

Had Innocent II conferred an exemption on the monastery, we should

<sup>1</sup> 5 Decr. xxxiii. 18.

<sup>2</sup> 5 Decr. xxxiii. 4.

undoubtedly have heard of it later on, when inquiries were made into its rights and all possible evidence was produced on behalf of the monks. As a matter of fact the authority of the bishop was confirmed by Eugenius III and the popes who followed him. Meanwhile the monks, unable to secure an exemption, attempted to gain for their abbot the office of count which was held by the bishop. This led to the fabrication of fourteen documents ranging from Charles the Great to Frederick Barbarossa. Fortified by these privileges the monks went back to their old claim to exemption from the bishop's jurisdiction. The matter was brought before Innocent III in 1199, when he recited the allegations on both sides and called for evidence, but expressly refrained from giving a decision; 'super subiectione vel libertate monasterii nec statuendum aliquid duximus nec mutandum' (ii. 266). To speak of this as a 'decision' in favour of the bishop (ii. 374) is a simple mistake. The pope then, according to practice, appointed delegates to inquire into the question. In 1207 they heard thirty-four witnesses in support of the monastery (ii. 340-64), and were convinced by the evidence that it was immediately subject to the Holy See. But Innocent on receiving their report paid no regard to what was immaterial; he was only concerned about what the popes had granted. He did not mention the bulls of Innocent II and Lucius II, because they were irrelevant. He cited those of Eugenius III, Anastasius IV, Hadrian IV, Lucius III, and Urban III, and decreed finally that the monastery was dependent on the bishop both in spirituals and in temporals (ii. 376-80).

If in one important point we have been compelled to join issue with Signor Buzzi, we have nothing but admiration for the remarkable skill and industry with which he has marshalled the evidence. His corrections of Count Cipolla's notes on the chronology of the documents (iii. 1-16; cf. i. 22-6) are based on a sound method, though not invariably convincing; and his revision of the sequence and dates of the bishops and abbots from 1143 to 1218 (iii. 149-52) involves a good many changes in the corresponding lists given by his predecessor (i. 29 seq., 56-8). His collection of the topographical data (iii. 85-141) is of great value for the student of local conditions.

REGINALD L. POOLE.

*Privilegis i Ordinacions de les Valls Pirenenques.* Editats per FERRAN VALLS TABERNER. Vol. iii. *Vall d'Andorra.* (Barcelona: Impremta de la Casa de Caritat, 1920.)

ALTHOUGH the claim of the bishop of Urgel in 1894 to be sole sovereign of Andorra to the exclusion of France aroused a passing interest in the little Pyrenean republic, its history is still little known. While San Marino, which last September for the first time for many generations altered the half-yearly tenure of its chief magistracy, has a copious bibliography, Andorra, except for Tucker's rare monograph of 1882, Leary's book published in 1912, and Johnson's sketch of these two tiny commonwealths, has had no historian in English and not many in Spanish, Catalan, or French—for Bladé's *Études Géographiques sur la Vallée d'Andorra* never found their intended completion in his contemplated history. The present volume, published under the auspices of the

provincial deputation of Barcelona by a Catalan specialist, if not a history, is a very valuable collection of thirty-eight historical documents, eleven in Catalan and the rest in Latin, ranging in date from 1083 to 1497, and preceded by an historical introduction in the former language.

The name of Andorra first occurs in 839 in the deed of the foundation of the church of Urgel, upon which it then depended. In 843 Charles the Bald ceded it to a certain Sigfred, identified with Count Sunifred I of Urgel, and consequently during the rest of the ninth and the tenth centuries the valley formed part of the county of Urgel, under the sovereignty of the Carolingian kings. At the extinction of that dynasty, the county became independent, but it preserved the custom of dating documents by the regnal years of the French monarchs. In 1007 and 1083 (the date of the first document of this collection) Counts Ermengol I and IV gave certain rights in the valley to the see of Urgel, and two deeds of 1162 and 1176 regulated the long dispute between the bishop and the Andorrans regarding their payment to him of 'four good hams' and other things, whenever he visited them. In 1258 Louis IX renounced by the treaty of Corbeil all the rights of the French monarchy over the old countries of 'the Spanish March', including Urgel, in favour of James I the Conqueror, king of Aragon. Meanwhile, the see of Urgel had given part of the Andorran territory to the family of Caboet, while other parts had become a fief of the family of Castellbó. In 1185 these two families intermarried, and the only daughter of this union, Ermessenda, by her marriage with the heir of the count of Foix, brought to that family the united rights of both Caboet and Castellbó. Differences arose between the counts of Foix and the see of Urgel about their respective rights in Andorra, and in 1278, a very important date in its history, an arrangement or *pariatge* was made, by which Andorra formed an undivided *seigneurie*, of which the bishop of Urgel and the count of Foix were joint lords. This charter of Andorra, given here in full (pp. 414-27), confirmed by Pope Martin IV in 1282, and further explained by a deed of 1288 (pp. 427-47), is the foundation of the still existing joint jurisdiction of the see of Urgel and the French Republic. For the counts of Foix became kings of Navarre, and the kings of Navarre, with Henry IV, kings of France, whose rights passed to the French governments which succeeded them. Twice only was this joint control interrupted, once in 1396-8, when Maria de Luna, regent for her husband, King Martin of Aragon, temporarily annexed this with other possessions of the pretender, the then count of Foix, and again in the sixteenth century, when Ferdinand the Catholic conquered Navarre, seized the valley of Andorra and gave the usufruct of it in 1513 to his wife, to whom Charles V confirmed it in perpetuity (pp. xvii-xix). Andorra exchanged the position of a *seigneurie* for that of a republic after the French Revolution, but the joint control of France and the see of Urgel, each represented by a *viguier*, still expresses the spirit of the inscription upon the palace:

Suspice : sunt vallis neutrius stemmata : suntque  
Regna, quibus gaudent nobilliora tegi :  
Singula si populos alios, Andorra, bearunt,  
Quidni iuncta ferent aurea saecula tibi ?

WILLIAM MILLER.

*Feudal Cambridgeshire.* By WILLIAM FARRER, D.Lit. (Cambridge: University Press, 1920.)

SCHOLARS are under so many obligations to Mr. William Farrer for his works and his indefatigable energy that he has led us to form high expectations of any book that he may undertake. It is not, however, quite clear what purpose the volume before us is intended to fulfil. Mr. Farrer describes it, in his brief preface, as a 'Calendar of Feudal Records relating to Cambridgeshire', which he has 'compiled for students as a source of reference to the baronial, honorial and manorial history of the county'. He tells us that 'somewhat similar calendars are in course of preparation' for other counties, and that they would enable students of local history 'to trace and identify all the scattered members of any barony or honor, wherever situated'. It is obvious that such a scheme should be carefully thought out, and be carried out, so far as possible, on a uniform plan.

The present writer, in a paper read before the London Congress of Historical Studies, ventured to suggest a consistent scheme for attaining the above object. From the time of the Domesday Survey the materials for local history suffered, above all, from that cross-division which was the inevitable consequence of the clash between the native system of county, hundred, and vill, and the superimposed feudal arrangement of the barony and the knight's fee. Even a century and a half after the great survey (i. e. in 1236) the king's clerks and ministers were still trying to reconcile the two systems and to make sure that the king's revenue did not suffer from their conflict. For the needs, in present days, of the topographer and the genealogist, what is chiefly wanted is to trace the history of the barony or honour as a self-contained unit, and of the knights' fees which composed it, or rather that portion of it which had been subject to enfeoffment. This, however, is not the plan that Mr. Farrer has devised; he has arranged his material under hundreds, and subdivided it among the vills of which a hundred was composed. At the head of each hundred is an abstract of its Domesday information, to which is added a separate list of the honours or baronies which had lands therein. Each of the vills within it is then dealt with, the Domesday entries concerning it being taken as the starting-point, and the Hundred Rolls as the *terminus ad quem*. For the intervening period of more than two centuries, we are given, in strictly chronological order, the entries relating to the vill, collected from the printed Pipe Rolls, Fines, Rolls of the King's Court, Red Book of the Exchequer, cartularies, the calendars of rolls and documents officially issued, and so forth. The *Testa* is not as helpful for Cambridgeshire as it is for most counties; but the *Liber Memorandum* of Barnwell makes amends for this, and has proved very useful. Part of the brief preface to this volume is devoted to correcting 'the date of the very valuable return of knights' fees preserved in the *Liber*', which ought, we read, to be '1236-8', not 1236. This document, however, deals with more than knights' fees; nor are we told what, if any, was its relation to the returns connected with the aid for the marriage of the king's sister.

It will, therefore, be seen that the system here adopted differs from that of Domesday Book, for it reconstructs the hundreds and their vills, which were broken up in that record, in order to rearrange them under the names of the



tenants-in-chief in each county. On the other hand, it takes us back to the original returns, as they are transcribed in the *Inquisitio Comitatus Cantabrigiensis*. Mr. Farrer claims that the system which he has here adopted would give us, if generally employed, the materials 'for a much more precise descent of the ancient nobility and knightly families than is at present possible'. It is, however, doubtful whether, in practice, it would do so. Probably it would be of more value to the topographer than to the genealogist. In some ways Cambridgeshire presents an easier field of study than the average county, partly because its hidation was abnormally simple, and partly because, as Mr. Farrer observes, 'the lands of the respective tenants in chief descended with remarkable regularity to their respective descendants living in the twelfth and thirteenth centuries'. The county also possesses, in the *Inquisitio Comitatus Cantabrigiensis* and the Barnwell book, quite exceptional sources of local information.

The numerous 'chart' pedigrees in the book are a very valuable feature, and we have to thank Mr. Brownbill for an elaborate index of things as well as of persons and places. The reader is warned that the former 'is not exhaustive', which leaves one in some doubt as to the principle of selection. Under C, for instance, we find a solitary entry, 'collectors of the aid' (p. 91), which does not lead us to expect that this is only one of the entries relating to the important aid for marriage of the king's sister in 1235-6 (pp. 9, 16, 21, 126, 138, 152, 157, &c.). The two entries under 'Aid' do not refer to it, nor indeed is its purpose mentioned. This point is here noticed because of Mr. Farrer's correction in the preface of the date assigned to what he terms the 'return of knights' fees' in the Barnwell book. On collating the latter with the returns for the 'aid' the two certainly appear to be independent. Another point that is somewhat perplexing is the rendering of *wara* as 'wer' on p. 207, though it is left as it is on pp. 220, 261. In the index of names one is surprised to find the well-known William 'Briwerre' (p. 271) treated as one of a family which took its name from the heathland (*de Bruera*). The variants 'Hobrug', 'Hobrigg', &c., represent Hubbridge in Witham, not Heybridge. Leebury and Dodenhall in Elmdon and Wendon Loughts are unidentified, but found in the text under Haslingfield and Sawston. The date of death of Robert Fitz Walter, the well-known baronial leader, seems to be wrongly given, as is often the case. On the whole, the chief use of such a work as this will be for those who do not possess the volumes—often ponderous or scarce—from which it has been compiled. One fears that such publications must now be so costly that few scholars will risk the loss that they must involve. In this instance, at any rate, there is no falling off in the handsome printing and *format* that one associates with the Press.

J. H. ROUND.

*Die Ars Notariae des Rainerius Perusinus*. Herausgegeben von Dr. LUDWIG WAHRMUND. (Quellen zur Geschichte des Römisch-Kanonischen Processes im Mittelalter, Band III, Heft ii. Innsbruck: Universitäts-Buchhandlung, 1917.)

THIS important and interesting work is an edition, preceded by an excellent introduction, of the *Ars Notariae* of Rainerius of Perugia, based in the main on a thirteenth-century Paris manuscript (Bibliothèque Nationale,



Lat. 15006). The Paris manuscript is almost complete; there are fragments of the same work in another Paris manuscript (4720 A, ff. 1r-5r), and in a Florentine manuscript (Cod. Riccard. 918, ff. 1r-11r). The last named consists mainly (ff. 13r-85v) of a *Summa Notariae*, written at Arezzo 1240-3 by an unknown author, who was influenced by and copied from Rainerius.<sup>1</sup> A native of Perugia (*comitatus*), Rainerius practised as notary and teacher at Bologna. He is mentioned in the Register of Notaries of 1219, and various official and business documents reveal him as 'de Porta Nova', married, and a landowner. The *Summa Artis Notariae* of Zacharias, notary of Bologna, written in 1271, tells of the 'Summa cum glossis super artem notarie' written by 'meus doctor, magister Rainerius Perusinus, preclarus et famosus doctor atque iudex'. Dr. Wahrmund assigns his life conjecturally to 1185-1245. That he was an important and influential man is proved by his works and by his official description, 'imperiali auctoritate notarius et iudex'. Though not a doctor, Santi considers him to have been the earliest public teacher of the notarial art at Bologna. But he was overshadowed by Rollandinus Passagerius (of the *Summa Orlandina*), who seems to have been his pupil, and not being mentioned by Durandus and Iohannes Andreae, has fallen into oblivion.

One definite result of the present work is to distinguish the *Ars Notariae*, of which this is the first edition, from an earlier and slighter work by the same author. The rubrics of the manuscripts and Rainerius's own expressions do not distinguish them, and future confusion will be avoided by adopting for the earlier work the name suggested by Dr. Wahrmund, *Liber Formularius*.<sup>2</sup> The two works appear to have been written at Bologna about 1214 and 1224-33 respectively.

The chief point of the introduction is to establish Rainerius as the precursor of Rollandinus, who, as Santi says, ennobled the *ars notariae*. The ennoblement consisted in the creation of a body of doctors in *notaria*, outside, though in connexion with, the faculty of jurists. This means that from being technically an *ars*, *notaria* became a *scientia*. If Rollandinus ennobled the notarial art, Rainerius founded it. He stands at the beginning of a development which brought procedure within the notary's province, promoted the class of notaries from mere scribes into a branch of the legal profession, and the notarial art from a branch of rhetoric into a science. This new conception of the *ars notariae* as a science is expressed by Rainerius in vigorous terms, which are echoed as late as the fifteenth century. The results of this higher conception are seen in the *Liber Formularius*, but still more in the *Ars Notariae*. We have not a mere jumble of haphazard precedents, but an exposition of the various branches of notarial activity based on adequate theoretical knowledge. All three sections of the work (*de contractibus et pactis, de iudiciis, et de ultimis voluntatibus*) preface a rich collection of precedents by a treatment of the law from the notary's point of view, followed by a short decisive summary recapitulating the chief legal considerations which he must bear in mind when drafting. This treatment reflects the practice of the Bolognese professors of *notaria*, who habitually lectured on the

<sup>1</sup> This has been edited by Cicognaro in Gaudenzi, *Bibliotheca Iuridica Medii Aevi*, vol. iii.

<sup>2</sup> *Ibid.* vol. ii.

Institutes. Comparing the *Ars Notariae* with the earlier *Liber Formularius*, Dr. Wahrmond notices two developments: in the style of the precedents, the *rogatio* and *instrumentum* give way to the objective *carta*; and in the section *de iudiciis* a mere collection of formulae has become a regular *ordo iudiciarius*. Both give the editor an opportunity for learned and illuminating remarks on the development of the notariate.

The connexion of the notary with procedure seems to arise from the fact that Italian procedure was oral in the twelfth century, and that it was not till the fourteenth that official records were adopted in upper Italy. The necessary writing was supplied by the notary, who obtained his qualification from pope, emperor, count palatine, or other imperial representative, or, as Rainerius significantly claims, from the *podestà* of Bologna. The most original feature is Rainerius's inclusion of *libelli* in the section *de iudiciis*, though the *libellus* was properly the affair of the advocate. But, apart from the necessity of recording purely oral procedure, Rainerius and many of his readers were *iudices* as well as notaries.

What makes the main interest of the *Ars Notariae* is that though Rainerius is not ignorant of science, his concern is not with learning, but with the actual law and practice of the civil tribunals of Bologna. The impression left by much of the glossators' work is that it is pure theory, with little or no relation to life. Rainerius may not be a great theorist, but he is in close touch with realities. The historian of Bologna will derive from him many interesting details of the important period between the reform of the Bolognese judiciary in 1210 and the great codification of the middle of the thirteenth century. The least 'actual' part of the work is the section *de libellis*, where the influence of Roffredus's recently-published *De Libellis et Ordine Iudiciorum* is obvious and acknowledged. The union of these two subjects was coming into fashion (cf. William of Drogheda), but the inclusion of *libelli* in the notarial art was new and not successful; it was dropped by Rollandinus, and the *Tractatus Notariatus* of 1468 took the further step of excluding the section *de iudiciis*. Even so the conception of the art was wide enough, and this width is due to Rainerius, who, in a final section, 'de utili modo capiendi et ordinandi omnia negotia que occurrant scribenda', hardly knows where to stop. The text is published without the glosses which the Paris manuscript 15006 is reported to contain, ff. 1<sup>r</sup>-14<sup>v</sup>. Doubtless those quoted in the introduction are the most important, and no one who has endeavoured to reduce manuscript glosses to print will be inclined to quarrel with the author's discretion. In a purely Romanistic work the original matter has often to be sought in the glosses; here the work itself is rich enough.

F. DE ZULUETA.

*The Evolution of Parliament.* By A. F. POLLARD, M.A., Litt.D., F.B.A.  
(London: Longmans, 1920.)

PROFESSOR POLLARD'S book fills a conspicuous void in our historical literature, and does so with distinction. Skilful in plan and elevation, singularly clear, and pointed to the verge of epigram, it bears the impress of the practised writer and lecturer. Addressed primarily to the intelligent

but unprofessional reader, it is not all news to historical students, yet it is full of fresh light and suggestion for them too. Though many intricate and hotly debated problems are involved, Dr. Pollard's conception of the development of parliament is, with rare lapses, remarkably self-consistent. There is not the least need for him to apologize for venturing into the middle ages in search of an explanation of the phenomena of the Tudor parliament, and if we confine ourselves mainly to matters which seem to require reconsideration or correction, it is because we feel sure that he will not lack an early opportunity of revising his work.

In tracing back the history of the institution which enabled the Tudors to suppress feudal liberties and to create a national church, Dr. Pollard found in the position of the king's council in the parliaments of Edward I as analysed in Maitland's masterly but too-little-known introduction to the *Memoranda de Parlamento* (1305) an illuminating explanation of the sixteenth-century title, 'high court of parliament', and the secret of the sustained vigour and permanence which its foreign congeners lacked. On the general lines he was anticipated in publication by Professor McIlwain's well-known book, but he looks at the subject from a different angle and is the first to make an exhaustive investigation of the evidence afforded by the records of parliament, besides bringing to bear that of parliamentary antiquities.

The presence of the judges and other regular councillors in the parliament of estates from 1295 onwards<sup>1</sup> and the judicial powers of parliament have of course always been known, and even the former has left its traces in the house of lords to this day. It is a question only of the relative prominence of the different aspects of a nascent institution. Stubbs noted that the regular terminal parliaments of Edward I were 'judicial sessions of the council', but he unconsciously antedated the clear definition of the executive, legislative, and judicial powers and of the various kinds of council. The mistake he made, as Dr. Pollard points out, in converting the *commune consilium* of c. 14 of Magna Carta into the title of a national assembly of all tenants-in-chief (though, curiously enough, he translated it quite correctly 'common counsel' in his commentary on the charter) gave too much prominence to a concession which applied only to feudal aids and scutages and was omitted from all reissues of the charter. At the same time there is no doubt that the Crown from time to time found it necessary or prudent to obtain, for measures not merely financial, the consent of a wider circle of barons than those who were regular counsellors; and there is some evidence that c. 14 preserves the method of summons. Dr. Pollard is perhaps too much inclined to ignore both these and the revolutionary precedents of 1258, and so to attach undue weight to the conciliar parliaments of Edward I and to the judicial aspect of the parliament of estates from his time forth. For, after all, the first known precedents for his small terminal parliaments are the three annual *parlemenz* of the Provisions of Oxford in which the general body of the

<sup>1</sup> Dr. Pollard has missed the resemblance of the four woolsacks arranged in a square, on which they sat, to the four benches (*scamna*) which were a feature common to English shire courts and the courts of German towns.

baronage were represented. It is not very safe to argue from the absence of writs that the terminal parliaments were attended by no barons but those whose counsel was regularly retained by the king. And even the latter may have been regarded as representing the barons at large, for there was no technical distinction at that date between a simple *concilium* and a *magnum concilium*. The theory which views these terminal parliaments as the solid basis to which Edward later added the estates for taxation only fails to take account of the fact that, within a few months of his arrival in England, he held what was officially described, in apparently familiar language, as *son primer parlement general* whose assent was obtained not merely to a tax but to the comprehensive Statute of Westminster I. Its descriptive epithet no doubt implies the existence of the *parliamentum singulare* or terminal session. Yet it warns us not to underestimate the element of assent and consent in the first phase of the evolution of parliament. It is true that in 1275 the king enacted 'by his council' and with the assent only of the other factors of the parliament. A comparison, however, of the large council in parliament in 1305 with the much smaller gathering in the Michaelmas session of 1278<sup>1</sup> suggests that in a 'general' parliament the council may have been afforded by a number of barons who did not usually attend. This would help to explain, without undue insistence on the powers of the more permanent and royal element, the continued application of the terms 'full' and 'general' to such a parliament as that of 1305—which by the way was not asked to grant money—even when all except the council had been dismissed. Moreover, even a conciliar parliament could express baronial assent. Edward I himself is reported to have declared that the Statute of Mortmain, which was enacted in a terminal session, was 'de consilio magnatum suorum editum et ordinatum'.<sup>2</sup> The line between parliaments, as between councils, was at first a wavering one.

There is no doubt that, under Edward I, parliament, whether general or single, was the highest court of law, in which petitions to the king or to the king and his council for redress of grievances not cognizable, or not satisfactorily dealt with, by the two benches were heard and answered, and certain pleas were tried. This judicial or quasi-judicial work bulked largely in the business of parliament, but many petitions were referred to the ordinary courts and the others chiefly to committees. It is plain, too, that the work even of the terminal sessions was not exclusively judicial, for it was the business of the council to advise generally, and, as early as 1280, steps were taken to reduce the pressure of petitions 'so that the king and council might attend to the great business of the realm and of his foreign lands'.<sup>3</sup> After the death of Edward I, the regular terminal sessions were no longer held,<sup>4</sup> though general parliaments still met oftener than would have been necessary but for this class of business. The causes now stated for the summons of parliaments make it quite

<sup>1</sup> *Foedera*, i. 563 (Record Commission).

<sup>2</sup> Stubbs, *Select Charters*, ed. Davis, p. 429.

<sup>3</sup> Stubbs, *Const. Hist.* (2nd edition), ii. 263.

<sup>4</sup> Dr. Pollard, after recording this (p. 131), speaks later of three parliaments a year under Edward's immediate successors.

clear that they are primarily called together for other than judicial purposes.

To this capacity of highest court of justice in the land Dr. Pollard ascribes the success of the English parliament where others failed. He admits that impeachment and attainder were never effective against the Crown without rebellion, but claims that they established the responsibility of ministers and enabled the Tudors to override 'fundamental law and medieval liberties'. A parliament of estates lacking such a judicial nucleus, as was the case in France, was destined to failure. Indeed, a system of three estates was in itself foredoomed since it was based on class divisions. Fortunately, England escaped this danger also, the three estates of our fourteenth-century parliament being a myth. It certainly seems to be the case that there was no clear division into three bodies, and that the description of lords, clergy, and commons as three estates first occurs in the records in 1421, when, as ingeniously suggested here, it may be due to the provision of the treaty of Troyes that the estates of both countries should give their approval. Nevertheless, the tendency to distinguish the three estates practically, if not by that name, is observable as early as 1341, when clergy, lords, and commons put in separate petitions and received separate answers.

Dr. Pollard is less happy in finding the secret of the decay of foreign parliamentary systems in their clear division into class estates and their divorce of taxation and petition for redress from justice. His argument is based too exclusively on the case of the states-general of France, and also ignores other fairly obvious obstacles to their success. There is no attempt to explain the collapse of the cortes of Castille, which certainly received petitions like the English parliament and exhibit the same early want of definition between great and small councils. We are told, too, on excellent authority, that the Scottish parliament of the fourteenth century,<sup>1</sup> though organized in three estates, was undoubtedly a high court and enforced responsibility of ministers. There was, therefore, no necessary divorce between a high court of parliament and a division of estates on class lines. The Scottish case shows, too, that the independent assent of a majority of each estate to legislation was not inherent in the system. We are not, therefore, obliged to accept Dr. Pollard's view that if our parliament had been so organized, such measures as the provisors and praemunire legislation of Edward III and the ecclesiastical establishment of Elizabeth could only have been carried into effect by a revolution (pp. 75-6).

The recognition of six degrees (*gradus*) rather than three estates in the much-discussed *Modus Tenendi Parliamentum* agrees with other internal evidence<sup>1</sup> in supporting its ascription to a date not later than the early years of Edward III and probably in the preceding reign. The argument for placing it under Edward II, which has been based on the date

<sup>1</sup> Professor Baldwin points out that its description of the composition of the royal council is inapplicable to the reign of Richard II, to which recent students have inclined to ascribe it. It must be admitted that the opening of parliament with a sermon is not recorded for the earlier period. It is possible that the tract was revised under Richard when the precedents of his great-grandfather's reign were overhauled.

of the other contents of the earliest and best manuscript,<sup>1</sup> is confirmed when it is noted that the tract on the steward which immediately follows it, and contains the same extraordinary expedient for resolving difficult cases in parliament, was composed to bolster up the claims of Thomas of Lancaster.<sup>2</sup> The connexion is ominous, and Dr. Pollard, it seems to us, has involved himself in serious inconsistencies by accepting on such dubious authority the doctrine that in the reign of Edward III 'the commons shared with the crown the privilege of being one of the two indispensable elements in a valid parliament'. According to the *Modus* there can be no parliament without the presence of the *communitates*; because they represent the nation,<sup>3</sup> while the magnates (if duly summoned) may all absent themselves without invalidating the parliament, because they speak only for themselves individually. Unluckily, Dr. Pollard has failed to notice that among the *communitates* the *Modus* includes the proctors of the clergy, and as he accepts the general view that they slipped out of parliament long before the end of the fourteenth century he has on his hands a good many parliaments that were invalid on the principles of the *Modus*. Nor is it consistent to accept without reserve a source which lays down that 'the two knights of any shire have a greater voice in parliament than the greatest earl of England', and elsewhere to state that the commons' position in parliament before 1350 was still comparatively so humble that, though the opening of parliament was often adjourned owing to the non-arrival of prelates and magnates, the attendance of the commons was never insisted on. This is not strictly the fact,<sup>4</sup> but the prominence given to the magnates is hard to reconcile with their position in parliament as described in the *Modus*. The official use of this ambiguous treatise in the fifteenth and sixteenth centuries (p. 68) may have been due more to its clear statement of the superiority of the commons over the lords than to its positive value as an accurate guide to the holding of parliaments.

The house of commons grew up out of their separate deliberations, but it is contended that these were private and out of parliament until the removal of the knights and burgesses from the chapter house of the abbey to St. Stephen's Chapel and the beginning of their *Journals* in the reign of Henry VIII. The argument is not wholly safe in view of the close connexion of the abbey with the palace, which is attested by its use as a royal treasury. The parliament chamber in which the commons reported the results of their deliberations, and took part in the formal enactment of legislation, did not merge its original dignity in the name of house of lords until the sixteenth century, and of course has remained the scene of all the common functions of parliament. Dr. Pollard does good service in pointing out that our premature use of the narrower name, however much the facts anticipated the change, disguises the original constitution of parliament as a single chamber. We fear that his exposure of the 'fiction of the

<sup>1</sup> *Ante*, xxxiv. 215.

<sup>2</sup> L. W. Vernon Harcourt, *His Grace the Steward*, pp. 147 ff., 164 ff.

<sup>3</sup> Yet in the chapter on the six degrees the presence of none of them (save the king) is regarded as necessary.

<sup>4</sup> *Rot. Parl.* ii. 107, and cf. p. 135.

peerage' will not meet with the entire approval of Dr. Round. It is not denied that the parliamentary barons of the fourteenth century were peers of the realm equally with the dukes and earls, and the use of the name is indeed traced to a date (1318) three years earlier than was hitherto known, but it is regarded as resting on the old claim to *iudicium parium* and first assuming a political colour in the baronial strife with Edward II. Of hereditary peerage in the modern sense as distinguished from suit and service in parliament Dr. Pollard sees only the beginnings in the middle ages. The writ of summons was a personal one. Even when Richard II introduces the practice of creating hereditary barons and other peers by patent 'the notion of councillorship is emphasized by the limitation of patents to heirs male. Lands might descend to females, but only males could counsel the Crown.'

The controversy over 'barony by writ' affords a good illustration of the divergence of view caused by different aspects of an institution in a state of transition. On the one side are those who lay stress upon the many cases in which the special writ of summons was withheld after being issued to one or more generations of a family, and the rarer cases, not unknown even in the fifteenth century, where the issue of the writ was suspended for a generation or two and then resumed. While the Crown retained this power of discrimination, they ask, how can we speak of hereditary baronies by writ, or see any validity in the legal doctrine of the abeyance of such dignities? Dr. Round, on the other hand, lays most stress on the many cases in which the writ was issued without a break and continued to the husband of an heiress when the male line came to an end.<sup>1</sup> This Dr. Pollard accounts for by the natural tendency of a government office to fall into routine. Apart from any difference of interpretation of the words *piere de la terre*, the whole issue seems to resolve itself into a question of date. On the view before us, the process of development may be said to be complete in one sense in the sixteenth century for 'when a Tudor required the absence of a lord from parliament, it was secured, not by withholding the writ of summons issued under the great seal of chancery, but by a more intimate injunction, under the privy seal or signet, not to obey it'. It is added, however, that 'the vogue of hereditary peerage as a foundation of the constitution is a modern growth born of antagonism to Stuart and then to democratic principles'.

We have left ourselves no space for more than a word of appreciation of the valuable chapters in which the relations of parliament to nationalism, to liberty (mediaeval and modern), and to the church are treated, or of the demonstration that the creator of sovereignty in parliament, of parliamentary omnipotence, was Henry VIII, 'the great architect of parliament'. Dr. Pollard's mastery of the history of his chosen century was never more evident. With his views as to the future of the great institution whose growth and supremacy he traces with such learning and insight we are not here concerned.

JAMES TAIT.

<sup>1</sup> *Ante*, xxxiii. 453 ff.

*The Worcester Liber Albus: Glimpses of Life in a great Benedictine Monastery in the Fourteenth Century.* By the Rev. J. M. WILSON, D.D. (London: Society for Promoting Christian Knowledge, 1920.)

AN abstract of the first 168 leaves of the *Liber Albus* of the prior and convent of Worcester has already appeared in the *Transactions of the Worcestershire Historical Society* for 1919, and the first-fruits of Dr. Wilson's studies upon it have been printed among recent papers of the Worcestershire Archaeological Society. The present selection from its contents, in the form of a series of translations and summaries with running comment, full of the enthusiasm which Dr. Wilson displays for the records in his charge, is taken from the portion already calendared, covering a third part of the volume and the period from July 1301 to the beginning of 1336. The *Liber Albus* has been somewhat neglected hitherto by writers upon Worcester. Thomas, who made good use of the episcopal and Sede Vacante registers in the collection of instruments appended to his *Survey of the Cathedral-Church of Worcester* (1736), appears to have left it alone; and Noake, whose excellent *Monastery and Cathedral of Worcester* (1866) contains a notice of it, was probably deterred by its bulk and the variety of its material from doing more than calling attention to its existence in his list of the muniments of the dean and chapter. Dr. Wilson practically has the field to himself, and enters upon it with all the zeal of a discoverer.

Although exceptional among surviving monastic registers in the wealth of its contents and the length of the continuous period which it embraces, the *Liber Albus* is a typical example of the general class of volume to which it belongs. Such glimpses as we gain of the internal life of the monastery are thus in almost every case obtained through the contact of the prior and convent with some external influence. If data with regard to internal discipline and morals are scarce, we have some details of the financial depression from which the house suffered in the record of the inquisition held prior to the appropriation of the rectory of Dodderhill (pp. 124-6). Frequent grants of corrodies and pensions in return for cash down were, here as elsewhere, methods of temporary relief which brought the convent into debt and difficulty. Some interesting light is thrown upon the attitude of a convent which was also a cathedral chapter to other religious houses of the diocese. The abbeys of Gloucester (pp. 62-9) and Bristol (p. 113), and the priory of Great Malvern (pp. 275-6), a member, it should be recalled, of the exempt house of Westminster, resisted the claim of the prior of Worcester to hold visitations during vacancies of the see, with passive resistance or by subterfuge. There can be little doubt that the objection lodged by the prior and convent to the election of John Thoky as abbot of Gloucester in 1306 was due to the circumstance that it probably had been conducted without the consent or presence of representatives of the diocesan chapter. Such disputes, with their accompaniment of violent protestations and anathemas, had an element of formality and left little personal feeling behind. When Prior Wyke sent a quarrelsome monk to do penance among the monks of Gloucester, Abbot Thoky received his courteous



request with benignity, and Brother Simon of Defford apparently profited by his stay.

The register is rich in documents of general diocesan interest. Such matters as the presentation of Ingelard of Warley to the church of Cropthorne (pp. 49-53) were directly concerned with the affairs of the monastery; but various ordinations of chantries and deeds confirming appropriations of churches were episcopal acts in which the prior and convent were interested only in so far as their consent *quod* chapter was necessary and as they acquired annual pensions by way of indemnities for appropriations. Copies of the same acts will be found in the contemporary bishops' registers: e. g. the appropriation of the church of Thornbury to Tewkesbury Abbey, and the ordination of the vicarage (pp. 140-1), are entered on fo. 36 of Maydeston's register. Consultation of these volumes, to which the *Liber Albus* is a complement, would have suggested some pertinent notes. Gilbert, bishop of Annaghdown, who introduced himself to the prior in 1310 (p. 104), made himself useful from time to time in York, Bath and Wells, and other dioceses, and acted as suffragan in that of Worcester for a brief period in 1313 (Reg. Reynolds, ff. 91, 93 d). In the case of the clerk imprisoned for homicide in 1302 (pp. 31-2), allusion might have been made to the numerous memoranda in Reynolds's register, touching a murder committed a few years later in the close at Exeter by the rector of Tortworth.

Dr. Wilson's English versions of documents are extremely careful, whilst at the same time he is so diffident of his own powers that it seems ungracious to suggest that a wider acquaintance with the diplomatic aspect of the register would have solved an occasional difficulty. Nevertheless, in one difficult sentence (p. 135), familiarity with the language of common forms would have prevented the misinterpretation of the clause 'quam [sententiam] . . . incurrere volumus ipso facto', and in another (p. 239) of the words 'affectu pariter et effectu'. 'Expeditio fabricæ' (p. 277) implies a special effort to augment the fabric-fund, the 'fabrica' or 'works', of the cathedral church: 'the hastening forward of the building' was doubtless the object and consequence of the sacrist's energy, but does not translate the phrase. In the same sentence the cathedral church is said to be the bishop's 'sponsor', where the Latin word is evidently the genitive of 'sponsa'. 'Melius plaustrum' (p. 253) is rendered 'a fairly good wagon': this classical sense of the comparative is not admissible, and the proper translation is 'the best wagon', just as Shakespeare's 'second best bed' is the English equivalent of 'secundum melius lectum', a phrase familiar in wills. 'Bones gentz de pais' (p. 148) means more than 'honest country folk': the 'boni homines patriæ' were the local jury summoned to the inquiry of which the result is given. The alternative versions of 'les soverneles venues de marcheis' (p. 197) are very doubtful: an allusion to the frequent occurrence of markets, which filled the town with visitors and made excessive demands upon the hospitality of the convent, is more likely than one to guests from the Welsh marches. 'Messours' (p. 147), translated as 'men', is not a form of 'messieurs', but a misreading of 'mesfesours', i. e. malefactors. Palaeographical errors of a familiar kind are responsible for such forms

as 'Pelbeworthy' for 'Pebbeworthy' (p. 125), 'Derceford' and 'Chadifle' for 'Derteford' and 'Chadisle' (p. 165), 'Mandone' for 'Maudone' (p. 201), 'Petto' for 'Pecco' (p. 266), and a few more. 'Hymuttone' (p. 3) should be 'Hymultone', i. e. Himbleton, near Droitwich. The church of 'Bliche' (p. 125) cannot be identified with any church upon which the prior and convent had a claim at any time unless, perhaps, it should be 'Wiche' for Droitwich.

In the title of the document on p. 127, referring to Meyseyhampton, 'the consolidation of the church' should be more accurately 'the consolidation of the rectory and vicarage of the church'. On p. 45 'to provide for' the clerk named 'from the church', though not wrong, could be rendered more clearly as 'to make provision to' him 'of the church'. To the list of episcopal manor-houses on p. 34, Blockley, Henbury, Northwick, and Withington should be added: a deed of Bishop Orleton (pp. 241-2) is dated at Withington. It is going too far to describe the procedure indicated on pp. 152 and 206 as a circumvention of the Statute of Mortmain: actual circumvention of the statute was a different thing from straightforward means taken to procure the licences for alienation of property which were its necessary consequence. A reproduction of a leaf of the register opposite the title-page shows that the registrar of the monastery in 1305-6 was Adam of Cirencester, whose name appears in the list of monks present at the election of the prior in 1317. The bishop of Worcester contributes a short preface from which the formal phraseology used by his predecessors is conspicuously absent: in his warm appreciation of Dr. Wilson's industry he speaks for all readers of the book.

A. HAMILTON THOMPSON.

*Der Anteil der Schweizer an den Italienischen Kriegen, 1494-1516.* Band I.  
Von ERNST GAGLIARDI. (Zürich: Schalthess, 1919.)

WHEREVER the Swiss become conspicuous in the fifteenth and early sixteenth century it may safely be assumed that they had no business to be there. Far from being a simple, patriotic people fighting for their homes, they were aggressive and acquisitive, coveting pay, plunder, or land at their neighbours' expense. Their defeat by Carmagnola at Arbedo in 1422 was the penalty for one of many attempts to reach the Italian lakes. Their victorious war against Charles the Bold began in unwarranted aggression against Savoy and Franche-Comté, though they pleaded, as did their German kinsfolk of recent years, that they were acting on the offensive-defensive. This war was, indeed, as the author of this volume shows, by no means the origin of the military, migratory spirit, which is later more generally known, though it served to intensify it. The main importance of Charles VIII's Italian expedition was in fact a change, not in the habit of foreign adventure, but merely in its geographical diversion from west to south. The part played by the Swiss mercenaries in this and the following campaigns is adequately treated by the author, especially in relation to the numbers employed, though doubtless much detail could have been added, had he ransacked Italian sources as thoroughly as he has Swiss. This, however, in spite of his title, is not the real subject of

his work. Ostensibly from the year 1494 to 1516 the Swiss people are always fighting, but his purpose is to show that the larger cantonal governments are almost always striving to curb this military temper, and invariably failing. His story of the wars becomes a valuable study in the helplessness of a federation of states in various stages of democracy in the domain of foreign policy. It is a contribution to political science rather than to military history.

Economic trouble was at once cause and effect of the abuse of mercenary service. Throughout the fifteenth century, manufacture, agriculture, and commerce were declining, mainly as the result of the Zurich secession war, of that against Charles the Bold, and the so-called Suabian war of 1499. As the working male population decreased from absence or from losses, pasturage took the place of agriculture, as requiring less labour. This was all the more unfortunate, as Switzerland has never been able to grow enough grain for her own consumption. The once flourishing manufactures dwindled almost to extinction. The Swiss could only pay for their imports by mercenary service and by their command of the great Alpine trade routes. Even of these, the greatest, the St. Gothard, was suffering from the absence of exports, which were reduced to cattle and horses, through the insecurity caused by the chronic hostility of the forest cantons to the Milanese government. It was affected also by the growing importance of the Tyrolese passes, as trade developed between Venice and the south German cities, and of the lateral route through Stockach and Bern to the fairs of Lyons and Geneva, to which Bern devoted much attention. Yet even here, as on the St. Gothard, the profits came not from national industries but from tolls, safe-conducts, and the earnings of inn- and horse-keepers. The enormous booty won from the Burgundian camp after the victory of Morat first, perhaps, infected the Swiss at large with the contagion of luxury. The plunder was, as always, a rapidly wasting asset, but the malady was permanent. The military class was, of course, chiefly affected by this, and by the consequent immorality. Soldiers could not settle down to work with small returns and no excitements; they looked to plunder and high pay in foreign service. If attempts were made to enforce labour, they went off to other cantons where there was no control. Whereas military service was originally due to superfluous population, there was now a serious scarcity of adult labour. The higher standard of luxury affected also the governing classes in the wealthier cantons, the gentry, and the bourgeois. They satisfied their cravings, which were stimulated by envoys and agents from abroad, by means of pensions from all powers who wanted, or were likely to want, their support in applications for the levy of troops. Even the expenses of the cantonal governments were liquidated by the same corrupt methods. This led to bad feeling between the lower classes, whose foreign service the governments tried to stop, and the upper, who lived on pensions gained without work or risk. On this score a split was often threatened between the more highly-organized urban states and the democratic country cantons. In the latter military service was more necessary and control much less, for the executive had little power, and was at the mercy of sudden popular impulse, which was always in the direction of war. History has never

given its sanction to the superstition that democracy is the pathway to peace.

If there was a natural dualism between the rural cantons and the cities, the latter themselves never had the same policy or the same geographical interests. Bern looked west, Zurich north and east, Lucerne generally south. After the death of Niklas Diesbach and the close of the Burgundian war, Bern was anti-French, because a stronger France thwarted her progress westwards. Lucerne and Solothurn were the only towns upon which France could usually rely. Zurich, a more or less normal German city, and always somewhat loosely attached to the confederacy, leant towards the emperor. The forest cantons, and more especially Uri, never took their eyes off Bellinzona and the Italian lakes, a constant menace to any ruler of Milan. Thus in the confederacy, which was brought face to face with half a century of foreign wars, there was no common policy and few common interests, no adequate control by the cantonal governments, and still less by the federal constitution. The Italian wars illustrate almost yearly the futility of the constant diets, which could rarely reach an agreement, and never enforce its provisions.

In spite of class and cantonal disunion and a chronic lack of discipline, there was among the governing bodies a feeling of national patriotism and a sensitiveness for the national prestige. That Swiss should fight against each other for foreign pay was especially repugnant to their better feelings. In the campaigns of Charles VIII and Louis XII against Naples the situation was simple; levies were permitted by virtue of earlier capitulations and the recent treaty of 1499, though the numbers might be much in excess of the stipulated quota. In the former case it is true that the blockade of Louis of Orleans in Novara provoked a flood of pro-French enthusiasm among the military classes which overwhelmed the restrictive measures of their governments and was embarrassing to that of Charles VIII. This, too, was stimulated in the forest cantons by the promise of Orleans to cede Bellinzona, Locarno, Lugano, and Arona in the event of his release. But even then, among the Venetian and imperial forces arrayed against him, levies from Switzerland or the associated leagues of the Valais and the Grisons were in evidence. This fratricidal warfare, however, reached its climax in Louis XII's conquest of Milan and the capture of Ludovico Moro by the complicity of his own mercenaries. At first popular feeling was so strongly in favour of the French king that the governments of Bern and Zurich had to bend to it. This was at the crisis of the Suabian war, a really national struggle, and Ludovico's close relationship to the emperor made him a national enemy, added to which was the professional jealousy between Swiss and landsknechts. But when peace was made with the emperor, when the easy conquest of Lombardy had alarmed the more responsible governments, and had made even the democratic forest cantons doubt the fulfilment of French promises as to the lacustrine cessions, the situation altered. Ludovico returned with aid from Swiss and Grisons, who drove their brethren from Milan. The final incident of the second siege of Novara, when besiegers and besieged were mainly Swiss, and the betrayal of Ludovico gave a shock to the Swiss conscience from which it never entirely recovered. The author admits this, but he

shows that the actual treachery was due to a very small number of individuals, and devotes a long appendix to the documentary proofs.

The shock to national pride and the reaction against the French alliance led to projects of reform in the pension system, and of a consequent tightening of the federal tie, which make the years from 1500 to 1504 a period of especial interest in Swiss internal history. The diet of Baden in 1503 reached an agreement which might well have been a turning-point in federal history. The twelve cantons with Appenzell and the town of St. Gall passed a resolution against the receipt of foreign pensions, pay, or presents, and against any levy of troops without the general consent. The provision that any transgressor of the ordinance should be punished, whether found in his own canton or any other, is a detail pointing towards the development of a really national state. In Zurich territory pensions were denounced from the pulpit, as afterwards by Zwingli. But French gold was again a dissolvent force, aided by fundamental differences in foreign policy. While Bern was distinctly pro-imperial, Solothurn was the seat of a French resident, and her magnates acted as French informers. Zurich, which had held the extremist views against pensions, refused to seal a document binding a minority on the constitutional ground that it was opposed to her original compact on entering the confederacy. Even at Bern, which had done its utmost against unlicensed levies, and had been genuinely opposed to French policy and corruption, influential citizens were in 1505 accepting French bribes. Reform was probably an economic impossibility. Not only the military classes, upper and lower, but the civil members of the state governments lived on pay and pensions, and the cantons themselves could not meet their own expenses without foreign subsidies. It was in vain to reiterate that in a few years 30,000 Swiss had been lost in French service; in 1503-4 6,000 Swiss streamed out towards Naples, of whom only 1,500 returned. From the loss of her manhood and the inevitable agricultural and industrial decline, Switzerland had become wholly dependent on foreign money and supplies.

In these same years the Swiss made the one important territorial acquisition effected since that of the Thurgau in 1460. The forest cantons, and of them especially Uri, were bent upon extorting from Louis XII the fulfilment of his promise to cede Bellinzona. In 1500 Uri and Schwyz seized Bellinzona, and in 1501 Lugano was surprised, and held for nearly a year. This aggressive policy met with no approval from the other cantons, a few of which were pro-French, and the rest not interested in this southern expansion, which disturbed the trade of the St. Gothard, indispensable to most of them. Yet the obstinacy of the men of Uri had its reward, aided as they were by the unpopularity of the French in Milan and their misfortunes in Naples. The forest cantons first came to an agreement, and then prevailed upon the others to join in an attack upon Locarno. The allied confederacies of Grisons and the Valais eagerly gave support; the Venetians were urged to supply men and money to expel the French from Lombardy. Here at last was a national war, and Louis XII, in fear of an attack on Lombardy from north and east, ceded Bellinzona by the treaty of Arona in April 1503. This was a notable success. The

communication between the Grisons and the Valais was facilitated, while Swiss support was within easy reach for any movement of the Milanese against their masters. Above all, the low ridge athwart the Valtellina, on which Bellinzona stands, was the bolt which had barred Swiss access to the lakes, even as northwards Basel was the key which locked the Rhine.

Louis XII's Genoese campaign of 1507 had a baleful influence upon the relations of the confederacy to the French Crown. The revolt of Genoa developed from a faction fight between people and nobles into virtual secession from French suzerainty, for the popular party declared Genoa to be a chamber of the empire. Louis, knowing that the cantonal governments were bent upon a policy of neutrality, asked for a levy of 4,000 men, under the express promise that they were intended only to serve as his escort to Milan, and that no attack would be made on the interests of the emperor or the pope. Maximilian made a strong protest to the confederacy that Louis was aiming at the empire, but this arrived too late to stop the men from marching. The cantons, as soon as it was suspected that their men were meant for Genoa, ordered them to halt north of the Po, and those of the eastern cantons were in fact for some time delayed. The French had, however, now got complete control of the mercenaries, and nothing would stop the troops eager for pay and plunder. The cantonal governments were rightfully indignant at the deceit, and there was a revulsion of feeling towards Maximilian, caused partly by fear of French predominance in north Italy, partly by the geniality of Maximilian, who posed as the oldest and best of confederates, and promised to set one of Ludovico Moro's sons upon the Milanese throne. There was too an interesting revival of national German feeling, especially strong in the forest cantons, nervous as to their retention of Bellinzona in face of a stronger France. As usual, however, no common policy could be framed, though the general feeling was in favour of strict neutrality as between France and the empire. Any cantonal declaration in this sense was set at nought by the gold and the skill of French envoys, so that from the summer of 1507 until the end of 1508 mercenaries flocked into the service of France, of Maximilian, and even of Venice. Nevertheless Louis XII's deceit was not forgotten, and was among the causes which led to his expulsion from the throne of Milan. The present volume ends rather clumsily with the first part of the League of Cambrai war; Swiss policy with relation to this can be better treated when this fresh and valuable work reaches its conclusion.

E. ARMSTRONG.

*La Réforme en Italie.* Première Partie. Par E. RODOCANACHI. (Paris: Picard, 1920.)

THE Italian reformation was effectively crushed by the forces of the catholic reaction, and the fact of its failure is perhaps the chief cause of the comparative neglect with which historians have treated the subject. M. Rodocanachi's book is a welcome contribution to our knowledge of a phase of the reformation movement which is both distinctive and interesting. The two preliminary chapters deal with the general character and causes of the reform movement in Italy, while the remainder of the volume

is devoted to short biographies of those Italian reformers who were looked upon as at least tainted with heresy. The appendix contains translations of the dialogues of Bernardino Ochino, and of treatises by Cardinal Conarini on justification, free will, and predestination, as well as bibliographies of the works of leading reformers. A further volume will, we understand, treat of the change which came over the character of the papacy, the Roman curia, and the Italian clergy under the influence of the counter-reformation.

The picture which we are given here shows that the Italian reformation followed the same lines as those with which the more successful aspects of the movement north of the Alps have made us familiar. In Italy, as in Germany and France, the reformation was at once a development of the renaissance and a reaction from it. As in Germany Favre attributed the spread of Lutheranism to the scandalous lives of the clergy, so in Italy Cardinal Caraffa wrote to Pope Paul III: 'There are no greater allies, defenders and promoters of heresy than bad priests' (p. 138). Non-residence was a prevailing evil; out of two hundred and seventy Italian bishops, over eighty were at that time living in Rome. Parish priests affected lay dress and manners, they stole the ornaments from their churches, they were convicted of gambling, brawling, and assassination. As an example of moral laxity, the numerous records of sons of priests, legitimized by the authority of the curia, are noteworthy.

28 July 1539, legitimization of Annibale and Pietro Tarquinio, aged 8 years and 7 years, sons of Cesare da Fermo, priest, procurator of the Curia.

This is one among many entries showing that the Italian clergy had modelled itself all too closely upon the ideals of antiquity. While reform in Italy reveals itself as an integral part of the reformation as a whole, it is not without its peculiar Italian characteristics. Italy, with her inborn love for freedom both of thought and action, could not reconcile herself to the bondage of the Genevan system. Luther's doctrines, however, found ready acceptance, so much so that in Venice, during the latter half of the sixteenth century, there were over eight hundred prosecutions of Lutherans as against five of Calvinists. A feature of the Italian movement is the number of women, drawn from all ranks of society, who were members of the reforming party. Renée of France, duchess of Ferrara, whose court formed a centre of refuge for French exiles; Olimpia Morata, the talented instructress of Renée's children; Giulia Gonzaga, whose beauty lured Khairaddin Barbarossa into an attempt to kidnap her, and whose intellectual difficulties inspired the composition of Valdès's *Alfabeto Cristiano*;—such women are stars among a galaxy of lesser lights. In vain Cardinal Pole tried to restrain Vittoria Colonna's ardour for theological speculation, bidding her 'confine herself within the limits imposed by her sex' (p. 327). Her intellectual interests bear witness to the truth of Castiglione's dictum: 'All the things that men can understand, the same can women understand too, and where the intellect of the one penetrates, there also can that of the other penetrate.'<sup>1</sup>

Taken as a whole, the Italian reformers were essentially moderate

<sup>1</sup> *Il Cortegiano*, lib. iii.



and conservative in their outlook. Apart from the reform of morals, upon which all parties were agreed, their chief aim was to apply the fruits of the new learning to matters of religion. Yet such had been the course of events that ideals which would have been shared by the popes of the renaissance were anathema to the papacy of the late sixteenth century. 'We live in times when we must devote ourselves to the studies which we are invited to pursue, and not to those from which we are bidden to turn away' (p. 303). So wrote Cardinal Sadoletto to his friend Antonio Paleario, beseeching him to listen to the warnings which he gave in the name of Cardinal Bembo as well as in his own. Paleario, however, continued to give expression to his theological opinions, and in 1570 this fine scholar perished at the stake in Rome. The age of humanism had vanished. M. Rodocanachi has produced a compendium of information on the Italian reformers rather than a critical study of the reform movement. Yet his material is carefully collected and pleasantly put together. His book should prove of real assistance to students of the subject.

C. M. ADY.

*Spanish Influences in Scottish History.* By JOHN R. ELDER, M.A., D.Litt.  
(Glasgow : MacLehose, 1920.)

THE history of Scotland has too often been regarded from a parochial point of view, and Professor Elder's book, which traces the working of Spanish influences in Scotland between the years 1488 and 1603, is a step in the right direction. The author points out that, with the birth of the Atlantic phase of European history, and with the development of strong 'nationalities' in Spain, France, and England, Scotland was inevitably drawn into world politics. He goes on to show how, with the advent of the reformation, the importance of Scotland steadily increases 'until in the end of the century when England and Spain are at death-grips, Philip realises that Scotland is the dominating factor in the problem' (p. 35). Pre-reformation days are dismissed in a single chapter, both sound and interesting, which shows how Scotland was affected by the oscillations of the balance of power. Ferdinand of Aragon, jealous of French influence north of the Tweed, is revealed as an ardent promoter, if not the original designer, of the Anglo-Scottish match effected by Henry VII. Not always, however, did the balance of power thus make for peace. In 1524 Henry VIII took advantage of the European situation to attempt to detach France from Scotland, with a view to the subjugation of the northern realm. His effort, however, was purely tentative; the project of 1524 was not a 'treaty' (p. 22), but a mere truce, and nothing came of it.

It is in the remaining seven chapters of the book, which cover the period from 1557 to 1603, that the author's troubles begin. By this time Spain is not only an imperial power, she is also marching in the van of the counter-reformation, and her foreign policy is an extraordinary complex of political and religious diplomacy. It is no easy task to extricate from the vast mass of evidence the facts which bear primarily upon Scotland, and to weld these facts into a clear and consistent whole. Dr.



Elder's solution of the puzzle is not satisfactory. His main theme is to lay stress upon the divergence between Spanish imperialism and disinterested zeal for the faith, to show how Philip II aimed at a political domination of Great Britain, how British catholicism was divided as to the admissibility of the Spanish claims, and how James of Scotland, with singular duplicity, evolved a system of defence. This cautious monarch managed to insinuate himself into most—though not all—of the catholic plots, with the result that the loyal catholics, hoping for his conversion, ceased to plot, whilst Philip, who had no mind to conduct crusades for the benefit of others, invariably withdrew. At the same time James remained officially protestant, took English money, and persecuted the catholics enough to save his face, though far too little to satisfy the presbyterian zeal of his subjects. Some good points are made. The solid weight of Scottish presbyterianism is well established—it is not the mere trade union of ministers and elders that some would have us believe. Many readers will realize with some surprise that Scottish levies, sent specifically in the name of King James, were maintaining the cause of protestantism in the Netherlands four years before Queen Elizabeth openly equipped troops for this service (pp. 69, 71).

But, on the whole, the book is disappointing. From the very first the author becomes involved in an inconsistency from which he never clears himself. How far was Philip's policy purely Spanish, and how far could he rely upon a catholic league? Upon this fundamental point, Dr. Elder speaks with two voices. As a rule he follows Father Pollen in regarding the league as of little account (p. 59), but on the other hand he assures us that 'the rising tide of the Reformation swept away the old international interests of Europe in favour of new alliances based on religion' (p. 35); in another passage he writes of 'Spain head of the great Catholic League' (p. 36). In discussing d'Aubigny, he assumes (p. 78) that this mysterious figure, who merits deeper discussion, was the representative of some joint action on the part of the catholic powers; on a subsequent page he introduces us, somewhat abruptly, to a working arrangement between the pope and Spain, who were to contribute in a fixed ratio ( $\frac{1}{2}$  to  $\frac{3}{4}$ ) towards some joint scheme;<sup>1</sup> and, finally, when he tells us that with Mary Stuart in her grave 'the binding link had been broken' and that 'Philip of Spain was but the leader of a forlorn hope' (p. 141), he commits himself to a belief in the possibility of joint action by the catholic powers—a belief certainly not shared by Persons and Olivares, who, relying solely upon Spain, regarded the queen's removal as a convenience.<sup>2</sup> Dr. Elder exaggerates both the chances of Philip's success (pp. 45, 53) and his complete control of Mary's policy. Chapters iii and iv, in which Mary figures largely, contain no reference to Labanoff's *Receuil*, and though it is true that the queen became steadily more 'Spaniolised', it is true also that she regarded negotiation with England as a useful second string—especially after the Anglo-French entente; the scheme of 'association' with James was a serious project. Recent

<sup>1</sup> p. 107. The bargain was as old as 26 November/6 December 1582: see Kretzschmar, *Die Invasionsprojekte*, app. 22.

<sup>2</sup> *Calendar of Span. Papers, Elizabeth*, iv. 42, 43, 101.

investigation has demonstrated that the captive queen did not actually make a will disinheriting James in favour of Philip as is here assumed; <sup>1</sup> after all Mary was French, and it was to the French king that her last letter was directed.

To James our author does less than justice. He accuses him, quite rightly, of duplicity; but when he shows us that James hated presbyterianism, and feared Spain, he might have gone on to lay more stress upon the advances made by James—through Ogilvie of Powrie and others—to the pope, and to other catholic, but anti-Spanish powers. Instead he is drawn away to tell once more, in narrative form, the story of Philip's delays and disappointments—a story already told by Knox, Kretschmar, A. O. Meyer, Martin Hume, and Graves Law. Little new evidence is used, and such of the existing evidence as has been employed has not been well grouped. The author has followed his secondary authorities far too closely, and none of them were discussing the counter-reformation from a specifically Scottish point of view. The result is that Dr. Elder's own point of view tends to vary; in chapter iii, for example, the action centres round Persons. Scotland itself is beheld through alien eyes and we are introduced to such forms as Dalgaty (for Dalgety <sup>2</sup>) and 'Lord Balgarys' or 'Lord Walter Lindsay'.<sup>3</sup> Walter Lindsay was not a lord; he was laird of Balgavies near Forfar. The importance of this busy intriguer lies in the fact that he was a brother of John Lindsay, 'the Parson of Menmuir', one of those 'Octavians', who, as our author rightly tells us (p. 240), were suspected of catholicism.

It almost seems that Dr. Elder had approached his original sources through the medium of his secondary authorities. On pp. 250 and 251 occurs a quotation from a letter written by the duke of Feria. The citation given, 'Tierney, vol. iv, p. 53', is quite wrong, but it is the exact citation given by Graves Law in quoting the same passage. The real reference is to Tierney's edition of Dodd's *Church History*, vol. iii, appendix, pp. liii, liv, and lv, where the original Spanish appears along with a very loose translation, which should hardly have satisfied a Spanish scholar. In another passage (p. 247) James is represented as asking the pope for 2,000 crowns a month; the reference is given to 'Cal. S. P., Scotland, Elizabeth, vol. ii, p. 721'. The calendar, however, mentions no sum at all, and the original document in the Record Office reads 20,000, and not 2,000. Curiously enough, Graves Law, who refers to the original document (and not the calendar), has made one of his rare slips on this occasion, and written 2,000 for 20,000. The whole episode of Ogilvie of Powrie is badly treated. Dr. Elder's account is based partly on Graves Law <sup>4</sup> and partly on Martin Hume's *Treason and Plot*. He does not seem to have used the documents from which Hume was working, though they are published in Birch's *Memoirs of Queen Elizabeth*, or to be aware that contemporary

<sup>1</sup> p. 141. But see *Scottish Historical Review*, xi. 338, and Mary's last letter, sold at Sotheby's 14 December 1917 and purchased for the nation.

<sup>2</sup> p. 88. The spelling Dalgaty is adopted by Father Barrett.

<sup>3</sup> pp. 225 and 232. The spelling Balgarys is used by Martin Hume in *Treason and Plot*.

<sup>4</sup> Graves Law, 'Documents illustrating Catholic Policy' (*Scottish History Society*, xv. 6, 18).

transcripts of the Sessa letters are in the Advocates' Library. If authorities are handled in this way no real advance is possible, and the book gives other evidences of a too-great haste. Slips in grammar occur on pp. 139 and 202, slips in spelling on pp. 26, 62, and 97, and on p. 125 Philip II appears as Philip V. Watts (p. 87) was not a Jesuit. The conclusions advanced are not novel, and though most of the author's dicta are sound, there is a want of unity throughout the book. The reformation did not 'sweep away the old international interests of Europe', it only rearranged them; and the dividing line in the history of Hispano-Scottish relations is really the formation of the Anglo-French entente. Prior to that 'diplomatic revolution', Spain aimed at reconciling England and Scotland; after it, at detaching Scotland from England. It is, however, convenient to have in one volume so large a collection of facts bearing on the relation of Scotland to Spain in the sixteenth century, and historians will welcome the publication in the appendix of Cecil's famous *Discoverye*, a rare tract of which only one copy survives in the British Museum.

J. D. MACKIE.

*Newcastle-upon-Tyne Record Series.* Vol. i: *Extracts from the Newcastle Council Minute Book, 1639-56.* (Newcastle-upon-Tyne: Northumberland Press, 1920.)

THIS volume is the outcome of a proposal to publish under the auspices of the Society of Antiquaries of Newcastle-upon-Tyne a series of annual volumes dealing with the records of Durham, Northumberland, and Newcastle. The work of transcribing, editing, and indexing has been entrusted to the competent hands of Miss M. H. Dodds, and the volume forms a welcome addition to the material bearing on Newcastle that has already appeared in the publications of the Surtees Society, in *Archæologia Aeliana*, and in Richardson's *Extracts*. Miss Dodds has selected portions from the Common Council Act Book, vol. A 1, which, though used by Brand for his history of Newcastle published in 1789, was long missing, and was not recovered by the corporation till 1897. The interest of the records lies 'in the minute local detail, showing how the life of the town struggled on through dangerous and unprosperous times'. Few towns can have suffered as severely as Newcastle in the civil war period. From August 1640 to August 1641 it was occupied by the Scots: from 1642 to 1644 it was held for the king; in October 1644 it was captured by the Scots after a stubborn siege and was garrisoned by them till early in 1647. No wonder the corporation complained that by its 'unparalleled sufferings' it was 'brought very low'. More than once the export of coal to London was stopped; trade was interrupted during the war with the Dutch in 1653; and nine years earlier, during the siege by the Scots, the town walls had been severely damaged and the common seal, with many charters, deeds, and other records, had been destroyed. In 1647 there was no money for the payment of ministers' stipends, and in 1653 the £10 usually expended on the auditors' feast was voted to be an unnecessary charge. By 1654 the extraordinary disbursements had so completely exhausted the town revenues that money had to be raised by the sale

of leases at ten years' purchase for clearing off debts amounting to more than £2,600.

The vicissitudes through which Newcastle passed are illustrated by the career of Dr. Robert Jennison, a 'pretious and painefull' minister who is often mentioned in the Common Council Acts. The son of an alderman and mayor of Newcastle, he was suspended from his lectureship in 1639 on the ground of nonconformity: in accordance with the direction of Secretary Windebank he was replaced by Dr. George Wishart, who was to lecture on Sundays at All Hallows and on Thursdays at St. Nicholas. Dr. Jennison with his wife and children betook himself to Danzig, whence in 1645 he was recalled by the mayor and common council in accordance with an order of the house of commons. Meantime the vicar of All Hallows had been deprived for delinquency and Dr. Jennison was put in his place: one of the common council, in signing the order, adds, 'except against ye name of Vicar to bee giuen to him'. All Hallows vicarage was in a sorry plight; it was 'quite ruinated by the Scotts soone after the taking of the Towne in the yeere 1644' and was utterly uninhabitable, 'beinge laid open in all parts of it from End to End and from the Ground to the Roofe'. Dr. Jennison, in addition to his duties at All Hallows, held a lectureship at St. Nicholas and the mastership of the hospital of St. Mary Magdalen; till his death in 1653 he laboured at Newcastle, preaching twice or thrice a week, save when his infirmities called for the help of various other lecturers. It would seem that the presbyterians and the independents of Newcastle were far from living together in unity. In March 1656 the common council wrote despondingly that each man laboured rather to please himself and his party than to advance that which was for mutual and common good. In spite of an elaborate scheme for the joint use of the town churches by ministers of the two 'judgements', discontents continued, and in November 1656 the mayor and aldermen wrote to Walter Strickland (one of the lord protector's council) complaining of the action of Mr. Cole (a presbyterian minister) in applying to his highness and parliament without their authority. Not only the ecclesiastical but also the economic and social life of Newcastle is amply illustrated by the Common Council Book. We find references to the coal trade, the glass manufacture, the hostmen and other trade companies, the grammar school, the town physician, and the London agents who were paid to look after the town's interests; there is an order, too, to make clean the streets every Saturday night, a laudable practice which had fallen into disuse since the 'reducing' of the town. Space has been wisely economized by the omission of unnecessary names, and an excellent index has been provided.

CAROLINE A. J. SKEEL.

*The History of the Post Office in British North America, 1639-1870.* By W. SMITH. (Cambridge: University Press, 1920.)

It is not often that a public servant, after a busy official life, devotes his leisure to a history of the office with which he was connected; and Mr. Smith is to be congratulated on the accomplishment of a very useful, as well as laborious, task. It is true that the post office was one only

of the numerous imperial activities which resulted in a clash between the interests of Great Britain and those of the colonies; but *ex pede Herculem* is a true word, and in the ignorance and stupidity shown by imperial officials in this case one sees signs of the mental and moral attitude which lost one empire, and was in a fair way to lose another, before the change brought about by the Durham Report.

Until 1710 arrangements with regard to their postal system were made by the legislatures of the several colonies; but the post office act of that year established rates of payment and dealt with the question of surplus revenues without giving the colonies a voice in the matter. Nor was the grievance merely one of theory, for the rates of postage were greatly increased. An ounce letter cost 3s. to carry from New York to Philadelphia and 4s. from New York to Boston. Whereas, under the old system, captains of ships had carried letters across the ocean for 1*d.* or 2*d.*, the minimum charge, under the new act, was 1s. In this state of things it is a matter for wonder that from Virginia alone there seems to have come any open protest against the new system. The explanation is probably to be found in the fact that the attempts made by the colonists to evade the post office monopoly met with striking success. A piquancy is given to the narrative by the coincidence that Benjamin Franklin, the champion of American rights, was also, till 1774, the representative of the British post office in America; and, as such, at any rate so far as the surplus revenue was concerned, was the administrator of a system of 'taxation without representation'. It is interesting also to note in the improvements made by Franklin the influence of a first-class mind upon a system that had worked in a narrow groove.

With the loss of the American colonies, a new problem was presented to the British post office. On the one hand, there was the difficulty and cost of setting on foot a postal system in a vast and sparsely settled country, and the anxiety to obtain a surplus revenue; on the other, was the political need for the development of Upper Canada and the political inconvenience of being, in great measure, dependent upon the United States. As was at the time natural, the narrower views prevailed. When Heriot, the agent of the post office in Canada, directed the post-master at York (Toronto) to apply the surplus revenue from the west part of the province to improving the arrangements in that part of the colony, the secretary of the general post office announced the disapproval of the home authorities. Meanwhile

The lowest possible postage from London to York fifty years ago was forty-one cents and that would carry not more than one sheet of paper weighing less than an ounce. . . . If the letter weighed an ounce . . . the charge for it coming from London to York would be one dollar and fifty-two cents. Finally, if this ounce letter was sent by the All-Red route, i. e. by the British packet to Halifax and thence over British soil to York, the postage charge would be four dollars and forty-eight cents. Imperial sentiment must have rivalled wit in economy of expression in those days.

Nor was it merely that the working of the system gave rise to practical inconvenience; it was more than doubtful how far it was legal. Rates were charged exceeding those prescribed by the imperial acts which alone gave the system its legal warrant; and, in spite of the solemn undertaking

of the British legislature, Canadian profits were appropriated to the purposes of the United Kingdom. The limit of injustice was reached in Nova Scotia when it appeared that the deputy post-master was forwarding surplus revenue to England at the same time that the colonial assembly was voting yearly sums to make good the supposed postal deficiency. Fortunately for British interests that deputy was a brother of the great Joseph Howe, so that the storm of indignation was less than would otherwise have been the case.

To add fuel to colonial dissatisfaction, it was proved that Stayner, the Canadian deputy postmaster-general, received in perquisites from newspapers, in the three years ending with 1834, annual sums amounting, on the average, to £3,185 currency. These emoluments were described by a committee of the Upper Canadian assembly as nearly equal to the salary of the governor-general and three times more than that of the puisne judges. In this state of things, it was obviously wise for the central government to relinquish, as was done in 1847, the control of the post office to the several colonies. But the period of friction was by no means ended. A proposal in 1855 by the British government to set on foot a lower and more uniform imperial service, on condition that the colonies joined in its maintenance, was unpopular in Canada; while the attitude of the home authorities, in throwing difficulties in the way of the Allan line that sought to set on foot an oceanic service independent of the United States, well illustrates the temper of the time.

Attention has been fixed upon the political aspect of Mr. Smith's volume; but, incidentally, much may be learnt from it with regard to the social conditions and habits of British North America. In short, though not always easy reading, it is a thoroughly sound and scholarly piece of work.

H. E. EGERTON.

*La Noblesse de France et l'Opinion Publique au XVIII<sup>e</sup> Siècle.* Par HENRI CARRÉ. (Paris: Champion, 1920.)

ALTHOUGH M. Carré has not brought to light many facts regarding the French *noblesse* which are absolutely new to students of French history, he has written a learned and useful book, which embodies a great quantity of material, and is judicial in its conclusions. The first part is a description of the *noblesse* as a class. It was numerous, but the number of the nobles on the eve of the Revolution has never been accurately determined. M. Carré thinks Taine's estimate of 140,000 men, women, and children too low, and inclines to fix the total at about 400,000. It is well known that there were different ways of obtaining nobility. Nobility might be a matter of descent, or of express royal grant, or the consequence of holding certain offices, and was sometimes merely usurped. The *noblesse* of different categories regarded each other with jealousy and ill will. In particular, the greater nobles, the court *noblesse*, were the object of antipathy to the lesser nobles, the *noblesse* of the provinces. On the other hand, as the power of wealth increased and the strength of prejudice dwindled, the greater nobles intermarried more and more with rich

families of the middle class. In Paris social barriers were first broken down, so that nobles, capitalists, and men of letters or of science mingled freely on more equal terms than elsewhere. M. Carré has adduced many particulars to illustrate the oft-described luxury and splendour of this brilliant society, whether in Paris or in its magnificent country-houses.

The life of the provincial *noblesse* has been less studied, and the evidence on this subject collected by M. Carré is fresher. In France, as in every other large country of that day, every provincial city above the smallest was something of a capital. Such of the provincial *noblesse* as were in easy circumstances had their hotels there, and, during the season, emulated in a modest way the social life of Paris. But there remained a multitude of gentlemen too poor or too primitive in their tastes for even this amount of display. Almost as immovable as their ancestral trees, they lived and died in the old manor-house where they were born. Their lives, as depicted by M. Carré, were singularly monotonous. Many had the mania for field sports so common in old Europe. The ladies sometimes devoted themselves to good works and led really admirable lives. Very often this class of gentry cherished a high sense of honour and of duty to the king, who for them personified the state. With little hope of promotion or reward, they entered the army generation after generation, served many years, received many wounds, and retired on a trifling pension, which frequently fell into arrear. The poverty of nobles of this class was in many cases extreme. Often they had not the means of repairing their farm buildings, of educating their sons, or of providing the *dot* necessary when a daughter entered a convent. Some laboured on their own land, others became game-keepers or tax-collectors, and others were reduced to living on charity.

The second part records with a wealth of illustration the successive phases of public opinion respecting the *noblesse*. The old doctrine that it was for the noble to fight and for the citizen to traffic was at one time held by all classes alike. In the states-general of 1576 the third estate declared that the nobles should be forbidden to take land on lease or to engage in commerce. Under the influence of Colbert the old restraint was removed in so far as concerned commerce with foreign countries. But a prejudice which even such men as Montesquieu and the elder Mirabeau could not discard was too strong for the ordinary French gentleman. In the eighteenth century, if nobles engaged in business, it was under some kind of screen or concealment. One remarkable exception was seen in the colony of San Domingo, where many retired officers became planters, and even secured a large measure of self-government. But, for various reasons, this singular French analogue to the society of Virginia and Carolina was short lived. In the army the courage of the *noblesse* was beyond cavil. But under the feeble rule of Louis XV the luxury of the chiefs and the lack of discipline in all grades contributed to disasters which helped to ruin the *noblesse* in public opinion. The flagrant disregard of private morality and the neglect of education for their children shown by the court *noblesse* contributed to the same result.

An interesting chapter is devoted to the relations of the nobility with men of letters, actors, and actresses. Everybody is aware that many French nobles in the eighteenth century sought the society of authors



and adopted the ideas of the philosophers. But this intercourse was attended with certain disadvantages. The noble seldom felt that men who owed everything to their own talent were his equals. The literary man had all the irritability of his class, and was nettled by the condescending airs of noble patrons. Intimacy often bred antipathy, and those men of letters who owed most to friends among the nobility were foremost in the attack upon the order. The passion for the theatre, then so general, led to many scandals. Still more fatal to the *noblesse* was the passion for gambling, a vice which equalized and confounded all classes. In the endeavour to repair the losses of extravagance, the nobles of the court engaged more and more in financial speculation, which often proved a further cause of impoverishment and discredit. Most fatal of all to the *noblesse* in an age when the spirit of equality was always becoming stronger, were the occasional acts of personal violence against inferiors which went either unpunished or at least without adequate punishment. The story here told at length of Victor-Marie-Nicholas Ysoré, marquis of Pleumartin, affords a curious illustration of what might be done so late as the middle of the eighteenth century.

In his third part, which treats of the war against the *noblesse*, M. Carré is writing of matters so often handled before that there is little room for novelty. The discussion as to how the states-general should be constituted, the easy victory of the third estate when they met, the outbreak of anarchy in the provinces, the growth of emigration, the abolition of privileges and of titles are again described in much detail, which does not, however, modify the general outline of older narratives. M. Carré reminds us that many nobles took service under the revolutionary governments, and that many continued to live obscurely in the provinces, although reduced to the direst want by the loss of their manorial rights. The fourth and concluding part sketches the history of the *ci-devant* nobles under the rule of the first consul and emperor.

F. C. MONTAGUE.

*Journal of the Commissioners for Trade and Plantations from April 1704 to February 1708/9, preserved in the Public Record Office.* (London: Stationery Office, 1920.)

STUDENTS of American and colonial history have long looked forward with interest to the promised publication of the journals of the old board of trade, and their expectation of assistance in the investigation of the history of Britain's first colonial empire cannot fail to be realized in ample manner in this, the first volume of the series. It covers four volumes of the bound journals in the Record Office, and prints them as they stand without alteration or abridgement. Under the earlier plan adopted for publication the entries of the proceedings of the commissioners for trade and plantations from their commencement down to 1704 were extracted and included under their respective dates in the *Calendar of State Papers, Colonial*. There they are entangled amidst the abstracts of letters and papers of all kinds that form the mass of the colonial collections. This plan obscured the value of the entries so much as to deprive the journal of a very large part of its value for those who were unable to consult its



volumes in the Record Office and were compelled to rely upon the printed text. The authorities are to be warmly congratulated on the new policy of publication here begun, and it is to be hoped that it may be extended wherever practicable to other registers of historical interest preserved in the national archives.

To many investigators it seems that registers are, as a rule, entirely unsuited to extraction and inclusion in the necessarily rigid chronological arrangement of a calendar of state papers. By the present volume they will undoubtedly be confirmed in that view. The labour that was entailed in the extraction and publication of the colonial entries from the Register of the Acts of the Privy Council was hardly repaid by the resulting volumes of the *Acts of the Privy Council, Colonial*, and would have been of far greater value had the entries been left in their setting and the register published as a whole. The working of a piece of administrative machinery can be understood only vaguely when we have but portions of its records before us, and especially so when they have been torn from their context. If we can be provided with the register of its work that was made up as the work went on for the guidance of those who were using the machine, we shall be placed in as favourable a position for understanding it as any outsider can be. And not merely is this the case, the import of every paper that was produced in the working of the machine can be better appreciated if we know as much of the circumstances of its production as is revealed by a register or journal. A truer view of the administration of the outer empire can be obtained from a careful perusal of the *Board of Trade Journal* in its entirety as published for a given year. The subsequent volumes of the *Calendar of State Papers, Colonial*, too, will necessarily be improved and made easier of consultation. In his short preface the deputy-keeper expresses the hope that the publication of the journals down to the dissolution of the board in 1782 may be accomplished in a reasonable time, while many years must necessarily elapse before the colonial calendar can be brought down to that date. Till such an end can be achieved, the present volume of the journal and its successors will provide a means of access to the yet uncalendared original papers that will be of great value to investigators.

Every letter received by the commissioners was read at a meeting and noted in the journal with all its enclosures, its place of deposit being then indicated by a marginal note with a brief docket showing the subject of its contents. The places of deposit are to be found in the series of volumes of succeeding papers relating each to a different part of the empire (e. g. Jamaica, Leeward Islands, New York, New England, &c.) that from the date of their commencement have been preserved unbroken as the basis of arrangement of our colonial archives. If, therefore, an investigator at a distance desires to consult a particular paper or papers relating to the subject in which he is interested, it will be easy for him to search the published *Journal* to ascertain the date at which they were read to the board. He may then direct his copyist's attention to the matter he requires without being involved in the expense of a laborious search. He can be certain, too, that he has before him in the *Journal* an index of all the papers relating to his subject that reached the commissioners,

and his perusal will be lightened by the exhaustive index of names and subjects that has been prepared for the published volume. The cross-references to folios in the journals were very ample, and as they have been printed without alteration, they greatly facilitate a study of the action of the commissioners in regard to any particular matter. Not merely do the journals include a note of all the letters received and of those written in reply, there are also recorded under the caption 'Plantations General' the substance of the orders and communications sent out to all the colonies at once. These give indications as to the general trend of policy in relation to the oversea dominions and the colonial system. Under this heading there are many interesting papers noted that arose from the state of war and the action of the French privateers against English commerce in the West Indies and elsewhere. Access to the papers is thus rendered easier, and they cannot fail to be of interest to the naval historian. The economist will find matter of the greatest value in the *Journal's* entries concerning trade which for earlier years have been omitted in the extracts that were made for the *Colonial Calendar*. The volume of business done by the commissioners on the plantation side of their work was the greater, but entries relating to home or foreign trade are rarely missing from the notes of the board's meetings during any week. Such matters most frequently arose on communications received from the secretary of state or from the treasury. The *Journal* is, therefore, of value in supplementing the *Calendars of Treasury Books and Papers* that have already been published for the period, and the series of *State Papers, Domestic and Foreign*. Considerable light is thrown upon the history of the great chartered companies like the Hamburg, the Turkey, and the Royal African companies.

Occasionally the debates that marked the proceedings of the commissioners on difficult matters are noted in outline, and we are enabled to discern the opposing views of policy that were held. There are many references of miscellaneous interest, and among them one relating to the papers of the earlier body that was charged with duties concerning trade and plantations. On 30 June 1707 a letter was read to the board giving an account that there were several original books and papers relating to the royal fishery, as also the books and minutes of the council of trade from the year 1660 to 1668, to be disposed of upon a consideration given to the party in possession of them. The commissioners desired to recover the papers, but were not prepared to pay for them before they were valued and a list of them supplied. The vendor forwarded the list, but it does not appear whether the books were purchased or not, and the matter remains to be cleared up by some investigator who is working on the period.

ARTHUR PERCIVAL NEWTON.

*Englische Geschichte im achtzehnten Jahrhundert.* Von WOLFGANG MICHAEL.

II. Band: *Das Zeitalter Walpole's*. I. Theil. (Berlin: Rothschild, 1920.)<sup>1</sup>

PROFESSOR MICHAEL, whose prefatory message of goodwill to his English friends I, for one, cordially reciprocate, could not have accomplished the present section of the great task which he has set himself without the aid

<sup>1</sup> See *ante*, xii. 582.

of extensive researches carried on by him for many years. He is thus enabled, all being well, to hold out the prospect of the publication, at no distant date, of the second part of the second volume of his history, to which he has given the sub-title of *The Age of Walpole*. The present instalment, though of ample dimensions, strictly speaking, covers a period of hardly more than three years, from the resignation of Townshend and Walpole (in April 1717) to their readmission to office and the reunion of the whig party (in May 1720), at the time of the 'consentaneous' event which at the time attracted a very much larger share of public attention—the reconciliation between King George I and his heir. But, apart from the fact that Professor Michael's narrative, of which completeness is one of the most distinctive characteristics, includes some chapters of a more or less introductory kind, it almost scrupulously avoids digressions from its actual theme—the crisis of the Hanoverian monarchy, to which its domestic and its foreign difficulties were alike contributory. Part i of this *Age of Walpole* would, of course, not be appropriately named if it were to stand alone; for it is in no sense illustrative of his greatness except as a parliamentary orator and debater; and his most conspicuous triumph in this capacity, his speech against the Peerage Bill, virtually, though not technically, put an end to the political period with which these pages deal. The period in question was that of the 'triumvirate', during which the conduct of our foreign policy was really in the hands of Stanhope, in so far as it cannot be said to have been directed by the king himself and the Hanoverian *junta*, in which Bernstorff's was the leading influence. Even as a financier, though his reputation was already great, Walpole's fame primarily rests on the episode in the midst of which Stanhope sank, and on which was founded the long-enduring ascendancy of his successor and the policy with which he was, to his enduring honour, identified. The instalment of Dr. Michael's work now in our hands is, therefore, in a sense but the prologue to that to which we rejoice to be able to look forward.

But this fact is far from diminishing its intrinsic interest as a narrative, without a parallel in its fullness and in the extensiveness of the research on which it is based, of a period in which the foreign policy of Great Britain dominated the affairs of Europe, while her system of internal government definitively determined itself on the lines to which, though not without deflexions, it subsequently adhered. No historian, English or foreign, has so well succeeded as Dr. Michael in tracing the intimate relations between the two main aspects of British history in these years—and this not only because of the augmentation which has taken place in the materials at the disposal of historians from Rapin to Lord Stanhope, and even since the time when the latter, in a work of which the merits remain as notable as the defects, dealt with the brilliant achievements of the most illustrious of his ancestors. If the present volume could not have been written without the aid of our Record Office (which will forgive a passing criticism of its arrangement) and other home collections, both public and private, these sources have been here supplemented by the relations of foreign diplomatic agents—more especially those of the Austrian Resident, J. P. Hoffmann, whose observation could not but be

exceptionally vigilant in the days of the Quadruple Alliance, and of the Prussian F. Bonnet, whose efforts were unceasing to keep up a *bonne intelligence* which, if we may say so, had not always recognized the elective affinity then drawing his government and the British together. In his long account of Jacobitism in a period which, in 1719, seemed to end with a final overthrow of its hopes, the historian has largely used the Stuart Papers (of which the Historical MSS. Commission's calendar nearly reaches this date), though well aware of the criticism their contents constantly demand. Of secondary sources of greater or less significance he has not failed to make constant use; and we are not surprised that in his narrative of the complications which arose for British foreign policy in the last years of the Northern War and of the first appearance of Russia on the scene of the European 'family' theatre he should 'once for all' cite the admirable work of Mr. J. F. Chance, *George I and the Northern War*, as the most valuable of the extant aids to knowledge.

In the few remarks that follow we must confine ourselves to one or two passages in which Professor Michael's present volume seems to us to throw light more or less novel on the progress of his theme. We should, in any case, think it unnecessary to dwell here upon the earlier chapters, which open with a very lucid exposition of the difficulties besetting the government of King George I in these years, because of its relations with Tories and Whigs respectively—between whom he had, in fact, no choice, as Cowper's advice had with a certain element of reluctance shown him *ab initio*—and because of the contention between the self-selected body of the Whigs who (Marlborough being impossible) formed the triumvirate and its following, and who in a large measure associated themselves with the Hanoverian interest and the Whig malcontents. This contention, beginning with one in the field of foreign policy, became one of faction, and, together with the quarrel in the royal family, constitutes the very epoch of the party-conflict of the *quadrennium* narrated in this volume. The chapters which follow, on the moralists and Deists, and on the Bangor controversy and the attempted repeal of the Occasional Conformity and Schism Acts, are full of interest, and the last-named incident actually makes part of the struggle between the government and Walpole (not, it is clear, altogether determined by factious motives). But it is obvious that the contents of these chapters, to a large extent, reach rather further back than the point in the narrative at which they are inserted; and, to say nothing of Shaftesbury (*a Iove principium*), or of Addison, whose official pen we find, so late as 1717, proposing punitive measures against the papacy, or of Defoe, whom we meet with in the following year as the supporter of the war against Spain, Mandeville and his fable seem to detain us at rather unreasonable length in this excursus.

Of the Quadruple Alliance, with which we enter at once *in medias res*, and the significance of this misnamed treaty and its genesis, Professor Michael had already spoken with notable effect in the closing portion of the first volume of his *History*. In its present section he goes back for a moment to the treaty itself—indeed, beyond it, to its proposed original form, so far as the preamble is concerned. The point is one of considerable

interest, more especially at the present time, when the League of Nations forms an integral part of a great international treaty, and earlier schemes with a similar or analogous tendency have been repeatedly passed under review. But the assumption of the western powers—Great Britain, France, and the 'innocent' United Provinces—that with them lay the responsibility of restoring peace to Europe—involving as it did the theory that the fortunes of the lesser states must be at the disposal of a combination of the greater, was vehemently resented by the Austrian government as part of a treaty to which the emperor was invited to agree; and the obnoxious preamble was reduced to an unobjectionable substitute. At the same time, in one of the proposed secret articles of the treaty, which referred to enforcement (if necessary) of submission to its provisions by the kings of Spain and Sicily, the addition *en suivant ce qui a été pratiqué dans plusieurs autres occasions* was, at the request of the Austrian government, struck out.

Not for the last time in the history of her foreign policy, the Spanish war of the Quadruple Alliance—or the war against Alberoni, as Professor Michael says it might have called itself, in something of the same sense as the allies of 1814 called their war one not against France, but against Napoleon—was pre-eminently Great Britain's war, though by no means popular in the nation itself, or even in the mercantile class as a whole, for whose benefit Defoe declared it to have been undertaken. The states-general, as observed, never actually joined the alliance; they had postponed entering till the Prussian treaty of 1715 should have been actually carried on, and when, after a long series of protests on both the Dutch and the Austrian side, this had been accomplished and the Quadruple Alliance had brought its war with Spain to a successful close, the adhesion of the United Provinces, whose trade with Spain had not really suffered interference from that war, was no longer a matter of consequence. It is certainly strange that the actual accession of the United Provinces should so long have remained a matter of historical belief: Lord Stanhope, in the (5th) edition now before me, speaks of it as a fact; and in at least one later *History*, as Professor Michael notes, it is still affirmed. In the conduct of the war, though it was hardly possible but that differences should from time to time manifest themselves between Great Britain and France (as, for that matter, these two powers were alike slow to fall in with the ultimate (Italian) designs of the house of Austria), British policy was indisputably the controlling influence. More especially was such the case as the ascendancy of Dubois, now secretary of state, fully established itself in the counsels of the regent, and, notwithstanding the fears of Stair, held out against the combined influence of Torcy and Law. Thus, after Stanhope's visit to France at the beginning of the year 1720, the fears of a separate pacification between France and Spain were dissipated and the second great diplomatic triumph of Stanhope's career, the adhesion of Spain to the Quadruple Alliance, was achieved. The revival, at this most untoward moment, of the question of the retrocession of Gibraltar under French influence found a curious episode in the immediate antecedents of this transaction; but Count Senneberre's mission to London in 1719 fell flat, and Stanhope this time

stood firm, with public opinion to fall back upon, whatever may have been his mental reservations as to the future, and as to the future congress on which, with regard to more points than one, Spain was allowing herself to set hopes. Austria's interest, in any case, was against any thought of this cession; for, should the future witness the close combination between France and Spain, which her experienced diplomatic agent Hoffmann foresaw, the British fleet and the British command of the Straits would be of the utmost importance to the position of his imperial master in Italy.

In the chapters devoted to 'the Pretender and his (hardly merry) men' and to the 'relations between England and the Northern Powers', the English reader will, for the reasons already hinted, find comparatively little that is, in the one case, new or, in the other, has not been exhaustively treated by a recent historian of our own. The characterization of the Old Pretender will attract many as a singularly fair and, at the same time, sympathetic portrait of the unfortunate prince, rather than by any fresh details about his fortunes; for even the story of his wooing and winning Princess Clementina was not long since told to us at considerable length. Of Mar, too, our historian judges severely; but he was no exception among the statesmen of the age of Walpole who contrived at times to face both ways. In the account of Admiral Norris's Baltic expeditions—a chapter of British annals possessing great interest from its naval as well as its more purely political aspect (difficult and even undesirable as it generally proves to attempt to keep the two asunder)—Professor Michael quite clearly answers the question succinctly put in his table of contents: 'Why was the Russian naval power not destroyed?' The reasons were essentially strategical; but Sunderland's passionate protest against the loss of such an opportunity, though it was not shared by contemporary professional opinion, or even found a response in British public feeling at large in Norris's own day, cannot be said to have remained wholly unechoed.

To a rather earlier date than this negative result belongs a very curious episode, to which we finally direct the attention of our readers, not so much by reason of its bearing upon the future history of the partition of Poland—already at this date, as Professor Michael reminds us, an idea perfectly familiar to contemporary politicians—but because it illustrates the occasional difference, here amounting to an antagonism, between the designs of Stanhope and those of Bernstorff, the leading spirit of the Hanoverian *junta*. The episode has been previously treated by Professor Michael in a separate essay, and his narrative is more especially founded on the correspondence of St. Saphorin, King George's envoy at Vienna, preserved in the Hanover archives. For it was of the very essence of the transaction that, properly speaking, it concerned him as elector of Hanover rather than as king of Great Britain. It was in the former capacity that, towards the close of the year 1718, he had negotiated a treaty of alliance with the emperor and with King Augustus II of Poland—but with him, again, only in his character of elector of Saxony. The immediate object of this alliance was to protect Poland, the ulterior to protect the empire, against the Russian peril. Prussia would only be involved in the matter

should she fall in with the Russian schemes; but, while the policy of Stanhope, warmly seconded by France, had steadily been directed towards gaining over Prussia to the Quadruple Alliance, and Prussia, with an eye to Stettin, had at one time shown an inclination towards such a solution, Bernstorff and the Hanoverian interest would have nothing to say to a Prussian alliance, and what is more, put very little trust in the existing French. The Austrian government now demanded that George I should, as king of Great Britain, enter into the triple alliance on behalf of Poland (and the empire), and support it by means of a sufficient fleet. But—and here was the essence of the problem—how could the emperor and his allies be assured of the co-operation, more especially for the protection of the ports of Danzig and Elbing, of the British fleet, if the ministry, or in other words the British parliament, remained without cognizance of the transaction and of the king's undertaking? How, indeed, unless by means of political mystification which to this day remains not wholly cleared up? On 5 January 1719 the treaty, purely defensive in character, which bound the emperor and the two electors to the mutual protection of their territories, in case of attack, was duly signed at Vienna by their plenipotentiaries, St. Saphorin representing the elector of Hanover; and the integrity of the Polish state was thus preserved—preserved, as Dr. Michael is not afraid of putting it, for half a century. The public articles or provisions were accompanied by certain secret articles and mutual declarations as to the processes involved in the alliance; and among these was a declaration, signed by St. Saphorin, as to the protection to be afforded by a British fleet in the event of an attack upon Danzig and Elbing. But it was not possible that such a document could be sent to King George for signature, with the treaty for ratification, without receiving the countersignature of a British minister. George I was personally prepared to accept and sign; but the constitutional difficulty was unsurmountable; and as it stood, the declaration could not be countersigned by any British minister. Bernstorff's expedient of sending with the treaty a copy of the declaration, but dropping the phrase stating that the promise of sending the fleet was given *ad sustinendam tractatus praesentis executionem*, might cast some dust in the eyes of the British ministry; but the declaration itself remained. As it happened (after an attempt devised by Le Cocq, the Polish minister at the court of St. James's, and formulated by St. Saphorin, to treat the promise of protection to Danzig and Elbing, being places of importance to British trade, as a matter wholly unconnected with the treaty), the treaty itself, which had been concluded and ratified without the declaration in question, proved to have fulfilled its immediate purpose, and the Tsar Peter, though breathing fire and fury, withdrew his troops from Poland, and neither the declaration nor an equivalent of it came into play. St. Saphorin was let off with a lecture by the king-elect, and by another from Bernstorff, who pointed out that, as had been shown by earlier examples of using fleets without a previous declaration of war, it was in such a case easier to do things than to discuss them beforehand. But the obnoxious declaration never found its way out of King George's German chancery, where—in the archives of Hanover—it reposes at the present day.



When, like vol. i of this *History*, part i of vol. ii reaches a second edition, a few misprints might be removed from a generally most correct text. The Duchess of 'Albans' (p. 53) and 'Lord Finch' (p. 555) should be 'the Duchess of St. Albans' and 'Mr. Finch'. The 'power of the Stool' (p. 561) is surely intended for 'the power of the State'? Is 'the *Dissenter*' (passim) an orthodox German plural? And, to add a slight historical slip, the university of Cambridge in 1717 can hardly be described as a 'citadel of Toryism' (p. 51).

A. W. WARD.

*The Navy in the War of 1739-1748.* By Rear-Admiral H. W. RICHMOND.  
3 vols. (Cambridge: University Press, 1920.)

OF all our naval wars, that of the years 1739-48 has been least studied. Few documents concerning it have been published, and in Sir W. Laird Clowes's *Royal Navy* the account of those nine years fills only eighty-seven pages. Rear-Admiral Richmond has therefore rendered excellent service by describing the war in a narrative which is detailed, clear, fully annotated, and based on an examination of all available documents. The author has, since the year 1907, investigated all available sources; he explains the causes of the war, then traces its expansion owing to the disputes arising out of the Austrian succession, and examines the consequences of the rapid development of a trade war into a world-wide conflict. The strategic problems were also complicated up to the spring of 1744 by the malevolent neutrality of France, which served to clog British naval operations. These would have been in any case ineffective, for the first lord, Sir Charles Wager, failed to infuse sufficient wisdom or energy into Walpole and Newcastle. But the constant threats of hostile action by the Brest and Toulon fleets would have taxed the resourcefulness of a Pitt or a Middleton. The opening chapters would have gained in value if the author had discussed the advantages of compelling France to declare herself. However critical was the situation on the Continent after the death of the emperor, the British navy was almost completely hampered by a neutrality which long imposed on it nearly all the responsibilities of actual warfare, while depriving it of the power to strike.

Probably the recollections of 1740-4 nerved Pitt in 1761 with the resolve to end Spanish neutrality. If he had been in power in the summer of 1740 he would almost certainly have answered by war the menacing dispatch of the Brest and Toulon fleets to the West Indies. Indirectly, as Rear-Admiral Richmond shows, the uncertainties of the situation in home waters occasioned the delay in the sending of reinforcements to Admiral Vernon for the projected attack on Cartagena, a delay which entailed disastrous losses by disease. The evidence now forthcoming warrants the conclusion that military writers have laid too much stress on Vernon's browbeating of General Wentworth respecting the land operations. Wentworth's delays were highly culpable, and the risk to Vernon's fleet of being caught in a trap by the Spanish fleet (perhaps also by that of France) amply justified energetic representations. Vernon was also aware that delay spelt pestilence. Altogether the opening of hostilities, apart from Vernon's dash on Portobello, could scarcely have



been worse, a result of parsimony in time of peace and neglect to study the problems of naval warfare. Could anything have been more fatuous than the conflicting instructions issued to Admiral Haddock in February 1740 for the observation of Cadiz, the defence of Minorca, and oversight of the Spanish expeditions preparing in the Mediterranean? Fortunately France delayed to strike, and Spain soon rushed into Italian adventures that diverted her strength from the maritime struggle. Thus, the blunders of the Bourbon powers cancelled ours.

The Carteret administration also handled naval affairs badly, imposing on Admiral Mathews in the Mediterranean impossible tasks and blaming him when they were not fulfilled. Mathews's battle off Toulon of 11 February 1744 is fully described in vol. ii, pp. 1-52. It might have been well to prelude the narrative with a discussion of what was a possible aim of the Franco-Spanish fleets, viz. to escape from the Mediterranean, make for Brest, and assist that fleet in conveying from Dunkirk the French force held in readiness for an invasion of England. As appears from his letter of 11 January 1744, Mathews thought the allies had but one game to play, namely 'to go down the Straits'. Later on Rear-Admiral Richmond glances at that alternative; but in view of the many occasions when the Toulon fleet started schemes of invasion, a full discussion would have been interesting. The knowledge of the vast issues that were at stake ought to have stilled the petty jealousies between Mathews and Lestock which marred their efforts on 11 February. The author considers that Mathews's actions before and during the battle were ineffective (as was established by the evidence given in the court martial), and that he should have pursued the enemy afterwards, but he endorses the severe censures which have been bestowed on Lestock for lagging behind with the British rear. The evidence of the Lestock court martial, summarized in vol. ii, App. iv, shows that, for a time at least, he hauled his wind and deliberately refrained from supporting the centre. Yet the court martial on Mathews censured that admiral for hoisting the signal to engage the enemy before the line was formed. The author states (vol. ii, p. 54) that Mathews was not cashiered for breaking the line, and it is well to correct the widespread error that it was this alleged offence alone which ruined Mathews's career. But article iv of the charges against him was to the effect noticed above, and it was carried by seventeen votes to two. It must therefore rank prominently among the decisions of the court as to 'divers breaches in his duty' which led to the adverse verdict. The contrast between this harsh finding and the infamous devices adopted in the Lestock court martial to screen that officer gains in emphasis from the evidence presented in the appendices to vol. ii.

In reviewing a work that is packed with information, it may seem hypercritical to ask for more; but the reader will probably regret the severe restraint which cuts short the account of Anson's 'predatory' voyage and of his subsequent reforms at the admiralty. Also more importance might have been assigned to the action of Captain Piercy Brett in the *Lion* (58) with the *Elizabeth* (64) escorting the Pretender to Scotland on the sloop *Doutelle*. The sloop escaped, but the *Elizabeth* was so crippled in a five hours' fight that by night she crept back to port, and so left

Prince Charles without the expected help in men and munitions. The naval dispositions for the defence of Great Britain against French or Jacobite landings were not effective. In October 1745 Vernon had six sail and ten smaller craft in the Downs or off Flanders; Byng had three sail and nine small craft off the east coast of Scotland; and many light ships were in the home waters, in addition to our fleets in the Mediterranean and elsewhere; yet there was no systematic observation of Dunkirk, the chief danger point in the invasion schemes, and Byng's cruises between the Firth of Forth and Flanders were futile. This work throws no fresh light on the question how many men and how much treasure the French got through to the help of Prince Charles. In vol. ii, chap. 8 (a chapter which ends rather abruptly) the author states that 100 men landed in the early spring of 1746. But the French claim that they landed in all between 1,000 and 1,200 men, and some £15,000. Lord John Drummond in November 1745 brought some 800 men of the *Royal Écossais* regiment to Montrose. Certainly the navy performed meritorious and little known services in preventing the arrival of large Jacobite reinforcements.

A short account is given of the reduction of Louisburg, further details of which might have been culled from the *Correspondence of William Shirley*, published in 1912. Thus the letters of Shirley and Pepperell show that the final decision of the French governor to surrender was due to lack of food and munitions. The author also describes the diffuse and ineffective operations of 1745-6 in the Mediterranean, the interest of which lies chiefly in the proofs of the urgent need of small craft to control the enemy's coast road along the western Riviera, and of the singular pessimism of Byng while off the Lérins Isles. This peculiarity of his was forgotten apparently at the time of his appointment in March 1756. The need of efficient small craft has had to be learnt over again in every coastal enterprise down to the year 1915. It is impossible here to notice the account of the operations in the East and West Indies in 1747-8, also of the two actions of the year 1747 with the fleets escorting French convoys. The influence of Anson's victory off Cape Finisterre on affairs in the East Indies is duly emphasized. The comments in vol. iii, chaps. 3, 4, on the convoy system and its limitations are of high significance.

In general, the narrative invests with interest a not very interesting conflict. The author proves, *inter alia*, the disgraceful unpreparedness for war, the ministerial habit of shifting blame on to the admirals (Lestock, a whig, being the only exception), and the gradual growth of efficiency in 1745-8. The conclusion as to the paramount importance of sea power in repairing our military disasters is illuminating. It remains to commend the reproductions of contemporary plans and engravings of ports and fortresses, which have never been surpassed in a work of this description. Each volume contains an index, but it is scarcely adequate, there being no reference to 'Great Britain', 'France', 'Spain', or 'navy' (British, French, Spanish). There are a few slips, e. g. in vol. i, p. xiii, 'Malta' for 'Minorca'; '1749' for '1743' (?), on p. xviii, note; Fort St. Louis is undiscoverable on the plan of Cartagena, p. 112; on p. 125, 'March 6' should be 'May 5'. In vol. ii, p. 7, occurs the statement that the news of the Brest squadron putting to sea on January 26 reached Turin on

31 January. Surely the news referred to the sailing of a few sail of the Brest fleet early in that month. On p. 171, l. 13, 'eastward' should be 'northward'. In vol. iii, p. 233, 'Canada' should be either 'Cape Breton' or 'Nova Scotia'. Also on p. 260, in the account of tactics in the eighteenth century, it is suggested that the bolder tactics enjoined in the fighting instructions of 1760 were due to Anson. Why not equally to Hawke, after his victorious example off Quiberon on 20 November 1759? On p. 261, par. 2, '1774' should read '1744'. Among the influences that disposed Louis XV to make peace at Aix-la-Chapelle should be named those of his finance minister, Machault, and of la Pompadour, both of whom insisted on the urgent need of ending the war without delay. Attention must finally be drawn to the wealth of information contained in the twelve appendices, and above all to the sound doctrine on naval warfare set forth in the introduction. As an account of the inefficiency in the administration and in the higher commands in 1739-45, and of the gradual improvements wrought by Anson, Martin, Warren, and Hawke in the drill, *moral*, and fighting power of the fleet, these volumes are invaluable. So soon as it had fair play, the navy worked out its own salvation, and began to evolve the strategic conceptions which were to bear fruit in the Seven Years' war.

J. HOLLAND ROSE.

*Studies in History and Politics.* By the Rt. Hon. HERBERT FISHER.  
(Oxford: Clarendon Press, 1920.)

MR. FISHER has collected eleven of his interesting and suggestive essays, of which only two have not been previously printed. Both of these go back to 1911, and are based on lectures delivered by him as Chichele lecturer at Oxford: 'The Resurgence of Prussia' and 'Thoughts on the Influence of Napoleon'. In the former he discusses French influence on the reforms of Stein, and on that emancipating edict which was prepared before Stein took office but was applied to the whole nation and made law by his decision. By that edict the rigorous distinction of classes, the guild system of trades, the serfdom of the peasants and the feudal restrictions on land-transfers were abolished. These changes were due to the fact that Jena had proved revolutionary France to be stronger than mediaeval Prussia, and they were urged by Stein, although he 'hated the French and their ways', because he was convinced that the social changes he disliked would strengthen his nation. Mr. Fisher argues that even Stein's municipal reforms betray 'some influence of French example', but his only substantial plea is that 'three not unimportant clauses in Stein's famous measures are almost verbally copied from the French'. He does not quote these clauses, and it is certain that the spirit of the new local government scheme in the towns was very different from the French departmental system. Stein would have extended this self-government to the country districts if he had not been expelled from office, and his attempt to rouse local civic feeling as a stimulus to national pride was far removed from the centralized bureaucratic administration which was established by Napoleon.

Mr. Fisher has some suggestive pages on the legislative attempts and

achievements of Hardenberg, which were obviously based on French models. He demonstrates the truth of Bismarck's saying that the Hardenberg legislation was all taken from the Westphalian *Moniteur*. 'The Liberal in Hardenberg rapidly gave way to the Napoleonic bureaucrat,' but where his legislation most closely resembled French models, as in the attempt to set up a bureaucratic administration, he met the strongest national opposition. Was it not the nationalist feeling inspired by Fichte, the national army created by the 'shrinkage system', a system very different from Napoleon's conscription, which caused the resurgence of Prussia, rather than the political changes which were partially due to French example? 'Thoughts on the Influence of Napoleon' is an appendix to the chapters which Mr. Fisher wrote for the *Cambridge Modern History*. With the exceptions of Julius Caesar and Charlemagne, Napoleon 'exercised a greater influence on the political and social state of Europe than any other single man'. The *idées Napoléoniennes* are borrowed, some from the Revolution and some from the *ancien régime*, but 'it is not the business of a statesman to be original'. Mr. Fisher bases Napoleon's greatness as a civil ruler on these facts: 'he saved for France the most valuable conquests of the French Revolution, social equality and industrial freedom,' he arranged the Concordat, and 'he gave to France a code of laws and a system of administration which remain substantially unchanged to-day'. The parliamentary system in France Mr. Fisher regards as less important than 'the main blocks of Napoleonic granite, the Prefects, the Codes, the Legion of Honour, the *Lycée*'. There is much force in this, but it is difficult to accept the statement that 'modern France is still very much as the Consulate left it'. The Republic of to-day surely differs from the Consulate in as many and as important respects as it resembles it. Executive control is in the cabinet, and the centralized bureaucratic hierarchical administration inherited from the Empire is at least subject to parliamentary ministers and to parliamentary interpellation, which M. Seignobos has called 'l'institution dominante du régime parlementaire français'. Municipal authorities are elective and the press is free. The republican party—as alien from Napoleonism as the whigs from Strafford—is one ruling force in France; trade-unionism, illegal under the Code, is another. The Concordat has gone. Napoleon, if he returned, might find his *bonne police* but certainly not his *bon clergé*. Finally, under the Consulate universal suffrage existed in theory, but by elaborate electoral devices the people were really excluded from political life.

Of the other historical essays the most striking are the estimates of Rousseau and of Acton as an historian. In the latter on p. 104 there is a sentence which states what is apparently the opposite of Mr. Fisher's meaning. After quoting Acton's remark that no man feels the grandeur of the Revolution till he reads Michelet, or the horror of it without reading Taine, Mr. Fisher writes: 'The sovereign merit of Lord Acton's lectures is that his repulsion from the horror has not prevented the grandeur from going unperceived.' The essays are all interesting to read, and they contain many shrewd, enlightening, and often witty comments on the history and historians of the nineteenth century.

WALFORD D. GREEN.

*The History of the British Army.* By the Hon. J. W. FORTESCUE. Vols. ix and x with a volume of maps. (London : Macmillan, 1920.)

THIS instalment had been somewhat anxiously awaited, and was delayed by the difficulty of providing the maps during the late war; yet it would have been a mistake to issue them without the maps, which are as good as any issued with the earlier volumes.<sup>1</sup> The period is of the years 1813-15. As before, Sir John Fortescue takes care not to limit himself to the deeds of Wellington. The campaign of Castalla and the siege of Tarragona, the doings of Lord William Bentinck, Graham's descent on Holland and his attack on Bergen-op-Zoom, as well as the American War, receive full treatment. Also he wisely gives a very brief but adequate account of Napoleon's campaigns in Russia, Germany, and France, so that the Peninsular fighting may be fitted into the complete picture.

As regards Castalla, where Suchet ought to have been severely punished, and Tarragona, which could easily have been captured, bitter things are said of Sir John Murray. Bentinck also is censured, for he lent troops from Sicily to Murray and recalled them, then came himself to take command and returned to Sicily, then interfered at Genoa. That Wellington was angered by the feebleness of these operations in east Spain was but natural. But at least Suchet was kept on the move, and prevented from helping first Joseph, then Soult; or rather, had an excuse for helping neither, so as to preserve his individual command. It is interesting in these operations to read of the services of so good a Waterloo regiment as the 27th, and of a Waterloo brigadier such as Adam. Graham's campaign in Holland in the winter and spring of 1813-14 brings to our notice the raw troops which fought later so well at Waterloo,<sup>2</sup>—they were in garrison in the Netherlands after Napoleon's abdication—and Cooke as divisional general. Graham had a difficult task, for the Russians and Prussians preferred to march on into France rather than clear Holland, and the Dutch, as in 1799, were not ready to rise. But he played a strong, if risky, game, and with a little luck might have held Bergen.

Sir John writes calmly of the American War. He merely refers with short sarcasm to the heated 'scribblers' of either country, and remarks that the actual combatants really respected each other. He shows how difficult a task our men had to save Canada, the dearth of both soldiers and sailors being considered. The Bladensburg-Washington and the New Orleans expeditions show how poor was the leading of even Peninsular officers when no longer under Wellington's eyes. Perhaps these chapters are as valuable as anything that he has written, for even when the altered conditions are taken into account, the problems of distant overseas campaigns are always with us. Especially it will always be of vital importance to consider how a few regular soldiers should be handled in attacks on non-regulars, brave and good marksmen, but without discipline and without traditions; if they succeed, as at Bladensburg, it may be in spite of serious mistakes, such as are due to contempt of the enemy; if they

<sup>1</sup> See *ante*, xv. 570; xix. 172; xxiii. 173; xxvi. 608; xxviii. 590.

<sup>2</sup> 'It is impossible for one who has not deeply studied Graham's campaign of 1814 in the Netherlands to understand how bad Wellington's troops really were': x. 405.

fail, as at New Orleans, the ignorant jeer. Sir John's criticisms on Prevost, Ross, Keane, and Pakenham are quiet and sane. But, above all, he has emphasized the need of an understanding between naval and military officers, for nothing but careful planning beforehand can ensure success when each class views the operations from a different standpoint. Here his language is bitter; the advice of the naval officers was 'due chiefly to the desire for prize money', and the three chief ones were Scots; similar dictation by naval to military men had occurred at Cadiz and Ferrol. He forgets to add that the same Alexander Cochrane, who was primarily responsible for launching the attack on New Orleans, had co-operated well with Abercrombie in the landing at Aboukir Bay.

In the main story of the Peninsular War he argues sanely on Wellington's difficulties, and bitterly on whig factiousness at home. Joseph is shown as in a state of cruel perplexity, Napoleon withdrawing troops from him and giving him orders without understanding his position, Clarke doing the same, Clausel failing to co-operate and therefore failing to be in time at Vittoria. Sir John is not satisfied about the tactics at this battle, for Wellington's columns attacked at wide intervals, and Graham did not press Reille closely enough. The indiscipline after Vittoria, and again after the storm of San Sebastian, is treated characteristically.

But perhaps the account of the battles in the Pyrenees after Soult's return is the most interesting; the terrain was unlike that of any of the earlier campaigns, the conditions were unlike those of 1810, when Masséna was known to be preparing to advance and Wellington knew the geography of the Portuguese frontier thoroughly. Now mountain warfare has a fascination for the layman, especially if he has studied Napoleon's campaigns in 1796-7 and the crown prince's passage of the Giant Mountains in 1866. Napoleon with his main force held the low ground in the centre ready to fall on the Austrians separately as they debouched at the foot of the valleys; Benedek allowed the Prussians to debouch unchecked. But Wellington planted his divisions in the passes, leaving them isolated with high ridges between, ready indeed to fall back to a common centre, but without a strong central reserve to rally them; consequently Soult massed his three corps to break through each by a different pass. But he attacked precipitately; and in spite of the strange irresolution of Cole and Picton, who fell back almost to Pampeluna, only Reille and Clausel penetrated through, and their men were weary and starving; one wonders if they were indeed really able to haul any guns so far, for certainly they were short of ammunition and supplies. On the other hand, in spite of William Stewart's officious and stupid attention to anything but his own duty, D'Erlon was sufficiently held up by Hill. Still Clausel had in fact turned Hill's rear, though he was not able to maintain his advantage. We have then that most dramatic episode of Wellington galloping his thoroughbred at full speed uphill to the ridge of Sorauren, where in full view of both armies he saved the position. Soult must have found his men badly shaken as he led them back to France. Then followed Wellington's passage of the Bidassoa and the Nivelle, where Soult's lines were very strong but too long, so that there was little difficulty in breaking through

them. Lastly, one wonders if Wellington could have had exact knowledge of the Pyrenees if Sir John Fortescue had trouble in obtaining reliable maps to illustrate the battles.

Every new account of Waterloo has its interest, and one is on the look out to find whether Sir John has anything that others have omitted. His main point is that the allies were compelled to await Napoleon's attack because of the uncertainty whether there was any war at all, until the emperor had actually crossed the Belgian frontier. His judgements on Blücher and Gneisenau are sound, and he adds that Wellington had definitely promised to fall back eastwards so as to maintain touch. He acknowledges that the allied line was much too long, and that Napoleon really did effect a surprise, so that Wellington bringing up his men piecemeal to Quatre Bras, and having no cavalry there till the evening, could hold no one responsible but himself. On the other hand, he shows that Napoleon on the Friday morning was quite ignorant of the disposition of the allies ('il se faisait des tableaux'), and in consequence gave vague orders to Ney; in fact 'at any rate for that day Wellington's name inspired greater awe into the French than Napoleon's into the Allies'. The German charge that Wellington deliberately deceived Blücher by falsely stating the position of his own troops, and thereby inducing him to make a stand at Ligny, he dismisses with contempt; this charge has been emphasized so strongly in order that the three bad Prussian blunders may be concealed, namely, Ziethen's failure to pass on to Wellington at once and quickly the news of the French advance on the Thursday, the bad choice of a position at Ligny, and the failure to inform Wellington of Friday's defeat and the line of Prussian retreat. He insists on the indiscipline of the French, who were accustomed to 'live on the country', and shows that they were bad horse-masters; also the Prussians were unpopular in Belgium because they too wished to live at free quarters. He does not argue much about Erlon's wanderings between Quatre Bras and Ligny, nor of what Grouchy ought to have done when he heard the sound of the guns. Napoleon's delay in opening the battle on Sunday he attributes mainly to the miserable way in which the French passed the night in the drenching rain, and had in many cases scattered to plunder. His final summing up of the great battle is as illuminating as anything that he has himself written, or as others have written, about Waterloo. Aware of Wellington's weaknesses, especially of his 'sweeping indictments'—for instance, his constant finding fault with his artillery officers—he concludes with these words, 'The Waterloo medal is worthily unique, for it bears on the reverse, besides the name and date of the battle, the name of him without whom there would have been no victory—Wellington'. In fact, where all made mistakes Wellington made the fewest.

In the preface Sir John Fortescue confesses that he may have made slips, for between the writing of the volumes and the correction of the proofs came the war. A few are to be found. In ix. 39 the 6th King's German Legion is recalled to Sicily; on p. 45 it is still in Spain. The Brunswick contingent is not quite, as in the history of the 92nd German Regiment, its lineal descendant. There was an advanced guard battalion including four companies of Jägers, a guard or 'life' battalion, three light

and three line battalions. Basil Jackson definitely states that the special rifle ammunition, the loss of which made Baring evacuate La Haye Sainte, was found upset in a ditch by the Brussels road. x. 263, for 'the Guards' read 'Maitland's brigade'; p. 273, for 'Pirch I' read 'Pirch II'; p. 287, for 'Vth' read 'IIIrd'; pp. 378 and 387, Chassé's division is mentioned as brought up into the second line on two separate occasions. Sir John has marked off all the Waterloo regiments as P. or G., according as they had served in the Peninsula or under Graham; one wishes that he had more definitely tabulated them, their services, and their proportion of recruits to veterans; also, it would have been valuable to have had the record of the battalions from America, Lambert's brigade arriving after a night's march on the very morning of the 18th, the 43rd missing the battle by barely twenty-four hours, others a month late but strengthening greatly Wellington's army in Paris.

The reviewer, having now reviewed every one of the ten volumes, may be permitted to hope that the historian will, in spite of adverse circumstances, carry on his work at least to the great Indian wars and the Crimea, if not to Afghanistan and the Cape and Egypt.

J. E. MORRIS.

*The Life and Times of Sir Alexander Tilloch Galt.* By O. D. SKELTON.  
(Toronto: Oxford University Press, 1920.)

PROFESSOR SKELTON of Queen's University, Kingston, has made a real contribution to recent Canadian history. At first sight his book seems an unnecessarily large work to be devoted to the activities of a man who was never the leader of a political party, never a really great figure, who is now forgotten outside Canada, and only dimly remembered even there. But the emphasis is put on the 'times' rather than on the 'life', domestic details are wholly omitted, and from this book we are able to understand much Canadian history that before was obscure. Galt's main activities were only partly political, he went into politics to carry out economic purposes; before and after his twenty-five years of parliamentary life he was directly concerned with town-building, land settlement, and railway development. So we get politics and constitutional issues as only one part of a many-sided career. Till recently Canadian histories have ignored the economic background of all change, and this book (as was to be expected from its author, an economist) brings the connexion into proper relief.

Politically, Galt's was a curious career; the reason why he never became a great party leader is apparent from his constantly shifting views—though Professor Skelton minimizes any inconsistencies. The son of John Galt, who mixed authorship of *The Annals of the Parish* with an attempt (in 1810) to open Salonika to English trade, and who from 1824 gave his main energies to planting British settlers in Upper Canada, Alexander Galt had naturally a non-political upbringing. He began life as a business man, in 1843, when twenty-six years old, becoming secretary of the British American Land Company, which was trying to do for the eastern townships what the Canada Company under his father's guidance had done for the Huron tract in what is now Ontario. Land



settlement made him turn to railway building, railways led him to politics. But he never felt at home in a party; had he been born a few years earlier he would have been Sydenham's ideal minister, prepared to work with any group of men provided the business of the country prospered. After his unopposed election to the Canadian assembly in 1849 the chairman of his committee had to ask him on which side of the house he would sit—and party feeling was running high that year. In 1850 he left politics, returned to the house in 1853, and remained there till 1872. At first he was counted a conservative; in 1844 all his influence had been used to help Metcalfe to carry the country against Baldwin and Lafontaine. In 1853 Galt drifted to the radicals of Canada East, and became a 'rouge'; in 1857 he called himself an independent, but soon was again a conservative. In the years 1870–3 he flirted with the liberals only to retire from active political life an independent conservative. Galt's views on the future of Canada were even less fixed than his party preferences. With the repeal of the corn laws he thought the only imperial tie—that of commerce—had gone, and he approved though he did not sign the annexation manifesto of 1849. But railways made him see the need for confederation, which he advocated steadily from 1858, and confederation created or made possible a Canadian nationality that led him to dislike the idea of joining the United States. From 1867, if not even earlier, he held strongly to the view that the near future would see Canada independent; in 1883 he changed again, and became converted to imperial federation. Each of his changes had much to be said for it; Mr. Skelton seems to approve them all. But something of political failure can be expected from such elasticity, and Galt's fluctuations seem to show a lack of real political philosophy. It was a time when the man of business was needed in public life; in Hincks and Galt the type was developed. Then it passed, and the parliamentarian of more rigid ideas came again to the front.

One of the best things in the book is its continual emphasis on material factors. That the United States had no bonding system before 1846 was of great importance to Canada—it was one reason for the Union Act—but the ordinary history has ignored it. The establishment of a decimal currency in 1858, the too rapid railway building between 1850 and 1870, the importance of Elgin's reciprocity treaty, fisheries negotiations with the United States: all these are well brought out. Not least, the maps showing John and Alexander Galt's activities in Quebec, Ontario, and the west are of real use.

E. M. WRONG.

*A History of the Peace Conference of Paris.* Edited by H. W. V. TEMPERLEY. Vols. i, ii, and iii. (Published under the auspices of the Institute of International Affairs. London: Frowde and Hodder and Stoughton, 1920.)

At the outset of any attempt to appraise this work let it be said that it is a useful book, and that both Mr. Temperley and the Institute of International Affairs have every reason to congratulate themselves on the first three volumes of their projected history. Whether in the remaining

volumes rather more compression might not be practised is a question which they will have to consider seriously. In those which have appeared there are not a few passages which seem to go over the same ground. In volume i, chapters v and vi might well have been recast so as to occupy less than seventy pages and yet nothing essential need have been destroyed, while the editor is generous in allowing to the author of chapter ix in the same volume a bulky disquisition upon the classification of treaties, for which any one interested could turn to a manual of international law. Such prolixity may be connected with the heavy price of the completed work. It should not be relegated to that class of books which only the larger libraries can buy. It will become so if nothing is done to reduce the size and price. The war and the peace are likely to be subjects round which for generations thought will centre. It is valuable, therefore, to have in compact form all the details, methodically and chronologically arranged, which those who discuss the war and peace will need. Part i, for example, describes step by step the military and the moral collapse of the central powers. In minor points of interpretation it is possible to differ from the views here given, but the points of stress are chosen with sound judgement, and fictitious importance is never allotted to talk or to negotiation as opposed to force of arms. It is, by the way, doubtful whether the 'blockade' of the central powers was the lineal descendant of the Napoleonic blockade, as is suggested by the author of the second part of chapter i. The modern 'starvation blockade' was very largely the elaboration of President Lincoln, and one misses in this chapter a comparison, or contrast, between the naval policy of the Union government in the civil war and the British government in this.

The second part is the weakest section of the first volume. It consists in effect of four chapters. They describe respectively (1) the material effects of the war upon neutrals and belligerents, (2) the public and official war-aims of the belligerents, (3) the war-aims of labour, (4) the Bolshevik attitude at Brest-Litovsk. Here obviously the second chapter is the crucial one. In it one may expect to learn something of those irresistible forces of public opinion (see vol. ii, p. 57), which caused the statesmen to make the settlement which they ultimately made, which bolstered them up against the pressure of Bolshevik or labour extremists and, it may be said, carried them too far in an opposite direction. What we get is not an account of public opinion at all, no balancing of the views urged in *The Times* or the *Nation*, in the Hearst Press, or in *Le Matin* and *Le Temps*, no mention of opinion in Australia (see ii. 233), nothing of that spirit in England which culminated in the dispatch of a telegram to Mr. Lloyd George signed by the 370 members (see i. 267). Instead, the chapter is devoted to an elaborate panegyric of President Wilson, whose 'ideas, like those of no other great statesman of the war, are capable of being worked out as a complete political philosophy'. With the views in that chapter it is no part of this appreciation either to agree or to disagree. President Wilson, between 1914 and 1918, made a complete change from a 'Jeffersonian' to a 'Hamiltonian' outlook upon public affairs, and perhaps he was none the less great for doing so. All that is permissible here is to comment upon the presence in the book of a chapter which, both

in its positive and negative qualities, strikes a note different to the chapters which precede and follow it, and to congratulate the author on a brilliant presentation of a special case.

Part iii, so far as one is able to check it, is quite admirable. It describes the manner in which the conference assembled, and how, when assembled, it developed and modified its machinery. The dealings of the conference with Poland, Germany, the Roumanians, and Béla Kun are, with the activities of the armistice commission and of the supreme economic council, described in chapter viii. The use of the word 'Anglo-Saxon' on page 286 in speaking of Anglo-American coincidence of outlook is unfortunate, unhistorical, and irritating to American readers. Chapter ix furnishes an exhaustive examination, from the point of view of an international lawyer, of the fidelity of allied statesmen in the terms both of the armistice convention and of the peace treaty to pre-armistice agreements. The point has been raised, among others, by Mr. Keynes, and it is good to have it technically treated, even if the author leaves the main point open. It is a criticism more fitly to be urged in a legal journal, but is it not doubtful whether the phrase 'any subsequent concessions and claims by the allies and the United States' can bear the meaning which the author of this chapter gives it? What, for instance, is intended by the word 'concessions', with which 'subsequent claims' on the part of the allies are classed? One last point in regard to the first volume. Any one familiar with the dominions is aware of the importance assigned in those countries to the part played by the Dominion representatives both in the conference and in the League of Nations scheme. The debates in the Canadian house of commons on the latter are sufficient indication of this tendency. The references in this book to the Dominion representatives are meagre. They are in one passage classed almost as obstructionists (see i. 259 and 269) with the statesmen of the smaller powers. The subject at least merits examination. An estimate would be welcome as to whether the significance of recent developments is constitutional or merely political. Perhaps a subsequent volume will contain this.

Volume ii opens with a chapter describing the events immediately preceding the signature of the treaty and passes forthwith to one in which the truth about the origin of the League of Nations is published for the first time. In 1916 Lord Robert Cecil, then parliamentary under-secretary for foreign affairs, was turning his attention to the subject. Nothing has transpired to show that it was, as a practical project, a matter of study to any other statesmen before this date. There follows a pessimistic chapter on international labour at the conference, which clearly brings out the extent to which any organization embodying the opinion of international labour is constrained to deal in generalities. The general principles, or lack of principle, governing the allied demands on Germany are lucidly explained in the next chapter, and due weight is given to the influence upon the allied negotiators of considerations based on domestic politics. To future historians the figure presented in this connexion by the United States delegates at Paris must form a matter for speculation. It is a characteristic limitation of the present work that it is covered in a foot-note (see ii. 45). Yet to one section of American public opinion

this was 'the great betrayal', to another 'the great exposure' of President Wilson's statesmanship.

The financial terms are discussed in detail in chapter i, section iv; the decisions as to international communications in section v. Chapter ii, section i, is vitiated by the assumption (ii. 127) that the reinsurance treaty between France, the United States, and England was likely to be ratified. There follow two chapters on the naval peace terms. Chapter iii, on the territorial settlement of Europe, seems to be one of the best in the book. It contains pregnant remarks, justified by recent events, concerning the possible effect of the acquisition of Alsace-Lorraine upon the centralization of French administration. The next chapter explains clearly the rearrangement of lands and boundaries upon Germany's eastern frontier. There follows a chapter on the territorial resettlement of Africa in which an impartial critic gives it as his judgement that 'in the main the primary consideration was the welfare of the aborigines'. The two hundred pages of chapter vi are devoted to an exhaustive analysis of the claims and counter-claims of Germany and the allies on every point which peace negotiations raised, or have since raised, for discussion. A careful reading of it only heightens the doubt, prompted by many events, recorded since the signing of the treaty, as to the wisdom on the part of the allied and associated powers of accepting with so little discrimination the doctrine of 'self-determination'. There is the less excuse for refraining from this incursion into the realm of subsequent events in that the last chapter of the second volume contains a summary of the last twelve months of German history. It opens (see ii. 421) with a misconception as to the attitude of German socialists before the war, to whom are attributed practical qualities which they were conspicuous in not possessing. At the same time, its laborious compilation of detailed information strikes the note manifested in general by this history. To the editor and authors of the work the public owes a debt of gratitude, but one may be forgiven for saying to a very brilliant set of young men who are its authors that they must not do this sort of thing again. We cannot afford to have the talent of the coming generation of historians stifled by the compilation of encyclopaedias. For their own good let them leave alone for a time 'contemporary history'.

Volume iii is confined exclusively to documents, chronological tables, texts of the treaties, and pronouncements of importance by President Wilson, General Smuts, M. Clemenceau, and Mr. Lloyd George. It cannot fail to add to the usefulness of the history. GEOFFREY BUTLER.

*The Place-names of Northumberland and Durham.* By ALLEN MAWER, M.A. (Cambridge: University Press, 1920.)

THIS is the best of the many books that have been written in recent years on the local etymology of particular English districts. Professor Mawer has, what few of the writers of such books have had, a really adequate mastery of the English and Scandinavian philology necessary for his task; and he has recognized, at any rate more fully than skilled philologists are wont to do, that for the interpretation of place-names historical and

topographical research is no less essential than the correct application of linguistic methods. His industry in the collection of early documentary forms of names may perhaps once or twice have been equalled, but can hardly have been surpassed. Moreover, as the latest investigator of English place-names, Mr. Mawer has had the advantage of being able to profit by the suggestions contained in the work of his predecessors, and by the criticism which it has received.

It must, however, be confessed that this book contains a smaller proportion of absolutely certain results than some of the other works that have been written on the place-names of English counties. This is not the author's fault, but the fault of his subject. The etymologist has a comparatively easy task in dealing with the names of a county that happens to be especially rich in documents of early date. But Northumberland and Durham are worse provided in this respect than any other county in the kingdom. Very few of the places within their boundaries are mentioned in records older than the Norman Conquest. Domesday Book, which next to the Old English charters is elsewhere the local etymologist's most valuable aid, is for this area not available at all.<sup>1</sup> As most of the Durham and Northumberland names are not recorded before the thirteenth century, certainty on their explanation is often unattainable. At the same time, the evidence of even very late-recorded forms is occasionally as unambiguous and trustworthy as that of earlier forms; and a considerable number of Mr. Mawer's etymologies admit of no reasonable doubt. Very few of them are absolutely inadmissible, though now and then it might be possible to suggest a preferable alternative. Several names of late formation are intelligible enough in their earliest spelling, though they are strangely disguised in their modern shape: thus Bear Park was originally *Beau Repaire*, and Butterby *Beau Trouvé*. The author has made good use of local history for the explanation of the name Fugar House; the early forms might have given rise to erroneous guesses, but the place was granted in 1269 to William de Feugers, a member of a known Breton family.

It is satisfactory to note that Mr. Mawer has not, like most other writers on place-names, omitted to record the early documentary forms of the names of rivers and streams. As he claims no acquaintance with Celtic philology, he usually leaves these names without any further remark than that they are 'Celtic' or 'pre-English'—which, no doubt, is almost always correct. The existing materials for the knowledge of early Celtic are so imperfect that the etymology of the majority of river-names may always remain unknown, even if they do not (as some of them

<sup>1</sup> Mr. Mawer does indeed quote it under Dinsdale-on-Tees, but, as he points out, the place referred to is not Dinsdale in Durham, but Over Dinsdale, which lies opposite to it on the Yorkshire side of the river. It may be remarked that he erroneously gives the Domesday forms as *Di(g)nesdale*; they are really *Digneshale* and *Dirneshala*. The Durham Dinsdale appears in 1197 as *Ditleshale*, and from the thirteenth to the fifteenth century in such forms as *Ditneshale*, *Dittensale*, *Diddensell*, &c. (with either *t* or *d*). Probably the two villages were not originally named alike, but had names both ending in *-hale*, compounded with different personal names. That the two names ultimately assumed the same form may be due merely to the contiguity of the places.

may) belong to the language of a pre-Aryan people. It is, however, always desirable to have these names in their earliest accessible forms, in order to preclude erroneous etymological conjectures, and sometimes to establish or disprove the identity of a particular river-name with one in another district or country. For example, Ptolemy's name for the Alne, \**Αλαννος*, is etymologically obscure, but it is of some interest to know that it is by phonetic law the antecedent of the modern Welsh river-name Alun. On the other hand, Alne is not identical with the names of two other Northumbrian rivers, Allen and Alwen, which were originally *Alwent*. A further reason why every study of the place-names of a county should include the river-names is that very often the name of an inhabited place is derived from an early form of the name of the stream on which it stands, or from an ancient name of it which has not survived. Thus Jesmond (in 1242 *Jesemuth*) derives its name from its position at the mouth of the river now called Ouseburn, but (as is duly pointed out in this book) mentioned in a document of 1292 as *Yese*.

Mr. Mawer seems now and then too ready to conclude that a name is pre-English merely because its etymology is obscure. He is very likely right with regard to Auckland; the eleventh- and twelfth-century forms *Alclit*, *Alcle(a)t* certainly have a very British look. And the twelfth-century name *Hidewine*, *Hiddewin* (now Heddon) seems so hopeless of explanation from Germanic sources that it is perhaps allowable to take refuge in the unlimited possibilities of an unknown tongue. But for Hebburn (in the twelfth-century *Heabyrm*—probably an error for *Heabyrin*—and *Heabyrine*) I see no objection to the interpretation *héah-byrgen*, 'high tumulus'. Perhaps for Hebron the same explanation is more probable than the author's *héah-burna*, 'high brook'. Again, Mr. Mawer thinks that the name of the river Hextild must either be a figment invented to account for the name of Hexham (formerly *Hextildesham*) or else a pre-English name, and he inclines rather doubtfully to the latter view. The earliest forms of the name of Hexham, which apparently contain the OE. word *hagosteald* or *hægsteald*, 'a bachelor', he suggests may be due to popular etymology. Now I believe that the river-name is neither spurious nor pre-English. I would suggest the following explanation. A landowner bearing the cognomen of Hagosteald had running through his estate a stream which people knew as *Hagostealdes-éa*, 'Hagosteald's river'. On the banks of this a church was built, the site of which was described as *at Hagostealdes éa*. *Bæda* calls it *Hagostaldensis ecclesia*; the OE. translation of his work gives *Hagostealdes-éa* as the name, not of the river, but of the place. Afterwards the name *Hagostealdesham*, which may originally have belonged to the lord's own abode, was transferred to the monastic settlement in the neighbourhood. The name of the river survives in the shortened form of Hextild.

The introduction to the book is in general excellent, but the excursus on the suffix *-ing* is far from satisfactory. In the first place, no notice is taken of the use of this suffix to form derivatives from names of places, as in *Catméringas*, the people of Catmere, *Centingas*, the people of Kent. It is important not to forget the existence of this class of formations, for it throws a useful light on the function of the suffix in forming what are

called patronymics, and moreover it shows that when in a local name we find a derivative in *-ing* of obscure meaning, we must not assume that it is necessarily from a personal name. The use of the suffix to denote place of origin is paralleled in Old Norse, e. g. in *Islendingar*, 'the Icelanders', *Iómsvíkingar*, 'the men of Jomsvík'. The name Skerningham (c. 1090 *Skirningheim*) is, I believe, a Scandinavian formation of this type, meaning the 'home' of the settlers by the river Skerne. Mr. Mawer would identify the middle syllable of this name with the word *eng*, a meadow; but the phonetic change of *eng* to *ing* is surely much later than the eleventh century. When a derivation in *-ing* denotes a person's parentage or ancestry, it may allowably be called a patronymic, though the term is not strictly accurate; a corresponding term is needed to express the function of the suffix when it denotes local habitation or origin. Perhaps it is owing to the lack of such a technical term that the importance of this function has been so generally overlooked. To supply the deficiency satisfactorily is perhaps impossible; provisionally I venture to suggest *topophyletic*,<sup>1</sup> hoping that somebody will invent a better substitute.

An OE. place-name containing as its first element a derivative in *-ing* (whether 'patronymic' or 'topophyletic') may belong to either of two types. It may be a syntactic combination of the genitive plural, as *Ægelbyrhtingahyrst*, *Stánméringa gemære*, or a thematic or proper compound of the stem, as *Ælfredingtún*. The formal difference is much the same as that which exists in modern English between 'the Johnsons' estate' and 'the Johnson estate'. What determined the choice of the one type or the other in particular cases it is difficult to say.<sup>2</sup> It may be suggested that the syntactic type would be more naturally chosen when a place or a district was in the possession of a group of persons of common ancestry or the same local origin, and the thematic type when there was a succession of single owners known by the same patronymic or 'topophyletic'. However this may be, I cannot accept the author's view that the *-ing* in such a name as *Ælfredingtún* is not patronymic but simply possessive, i. e. virtually equivalent to the genitive ending. One of the facts adduced in support of this proposition seems to me to prove exactly the opposite. A charter of the seventh century relates to a place called therein *Wighelmestun*; an endorsement of the tenth century adds 'nunc *Wighelmingtun*'. This means that the farm was called *Wighelmes tún* when Wighelm was alive, but that when it passed into the hands of his descendants it came to be known as *Wighelmingtun*. As is well known, a place-name containing the genitive of the original owner's name often survived for centuries; but this example shows that sometimes people did feel that the 'patronymic' was more appropriate than the possessive in the designation of a place when the man after whom it was named had died and left it to his descendants. This is so natural that if we did not remember the conservative tendency

<sup>1</sup> Without any great deviation from classic usage, we might say that the *Catméringa* or the *Eastúnings* were a *φυλή τοπική*.

<sup>2</sup> I formerly suggested that the choice between *-ing* and *-inga* might depend on the length of the word, but Mr. Alexander (*Essays and Studies of the English Association*, vol. ii) has shown that the explanation does not accord with the facts.

of local nomenclature, we might even wonder that the change did not always take place. Mr. Mawer's other arguments seem to me to rest on a misapprehension. 'What can we make', he asks, 'of names like *Werbungwic* and *Cyneburgingtun* on the patronymic theory? Patronymics are not formed from women's names.' Obviously not, in the etymological sense of the word patronymic. But we must not be the dupes of our makeshift terminology. When Ælfric says that English, like Greek but unlike Latin, has *patronymica*, and gives as an example Pending meaning 'son of Penda', he is using the term in its strict sense. But the strictly patronymic function of the suffix *-ing* is merely a specific application of its wider meaning as expressing origin in general, as the 'topophyletic' use shows. It was comparatively rare in Old English times for a woman to be a landowner and the head of a family; but in these rare cases there seems no reason why the lady's descendants (not necessarily lineal) who inherited her property should not have been known by the (miscalled) 'patronymic' derivative of her name. When Werburh lived, men would no doubt speak of 'Werburh's dwelling' (*Werburge-wic*); after her death they spoke of 'Werburh's people's dwelling' (*Werbunging-wic*). The author's two remaining objections to 'the patronymic theory'—that it implies a wider prevalence of the clan-system, or of division of property among sons, than is likely to have existed, and that it cannot account for the name *Bisceopingdene*—are, I think, already answered.

There is yet another function of the suffix which Mr. Mawer has not mentioned. In a former number of this Review I showed, on the evidence of Old English charters, that Wantage (*Wanating*), Lockinge (*Lacing*), and Ginge (*Gæing*), which are now names of places, were originally names of streams. We thus find that there was a suffix *-ing*, which the modern pronunciation shows to have been pronounced *-indzh*, serving as a formative of river-names. Doultling in Somerset (*Duluting*) also appears in a charter as the name not of a village, but of a brook; it is reasonable to suppose that we have here the same suffix, though now assimilated in pronunciation to the ordinary *-ing* of place-names. Of the origin of this suffix, whether English or pre-English, I know nothing; but names of rivers or streams ending in *-inge* and *-ing* are very abundant. Some of the names in *-ing* may no doubt be back-formations from village-names containing a patronymic; but this explanation is not always admissible. Mr. Mawer records only one name of this type, Irthing; but then he professedly deals only with such names as are mentioned in early documents. I would suggest that the place-name Easington, the early forms of which, *Yesyngton*, *Yhesington* (thirteenth century), *Yhessyngton* (sixteenth century), have greatly puzzled the author, may contain the name of a stream, *Yesing*, cognate with the *Yese* (in OE. form *\*Giese*) already mentioned. An alternative possibility, however, is that the Easington stream was called *Yese*, and that *Yesing* is a 'topophyletic' derivative.

In his citation of the documentary forms of names the author is, so far as I can judge, almost faultlessly accurate; but he has made one extraordinary slip, which may seriously mislead uninformed readers. His list of the early forms of the name of Durham includes the startling



item 'c. 750. Bede. Dunelma (latinized)'. In reality the name does not occur in any form before the eleventh century. What is very strange is that this mistake is copied from Dr. Zachrisson, who is usually very accurate in such matters. The article on Durham seems to have escaped revision, for Gaimar's form *Durelme* is misprinted *Dunelme*. The suggestion that *Dúnholm* preserves the first syllable of the original British name is new to me, and appears very reasonable.

Although hardly any of Mr. Mawer's explanations of place-names appear to me demonstrably wrong, there are several instances in which I think a different solution is either preferable or at least equally probable. The name Featherstone is found in Staffordshire, Yorkshire, and Lancashire as well as in Northumberland. The first element has commonly been identified with the Scandinavian personal name *Fathir*. Mr. Mawer rightly objects that this is phonologically unsatisfactory, and that it would be strange indeed if so rare a personal name should appear in four different places in combination with *stone*; only if *Fathir* were a mythic or legendary personage would such a coincidence seem credible. He suggests that a compound *feather-stone* may conceivably have existed, meaning either 'a stone moved as easily as a feather', or 'a stone marked with feather-shaped forms'. The former meaning seems too unlikely; but according to the *Dialect Dictionary* the word is current in Devonshire as the name of a kind of marble. Possibly this may be the true explanation of the place-name. I would suggest, however, though rather diffidently, that an OE. \**feðerstán*, 'tetralith', would be an appropriate term for what is popularly called a 'cromlech'—a monument consisting of three upright stones and a headstone.

The puzzling name Slaley was *Slaveleia* in 1166, and the *v* or *u* appears in all the forms down to the sixteenth century. The suggestion that the first element is the common word *slave* is surely inadmissible. The author himself points out that the word is not found in English before 1290; he might have added that it has not been found in French earlier than the thirteenth century, and that in English it was always spelt with *sch*-down to the sixteenth century. Further, that the word *slave* was ever applied in the Middle Ages to any class of persons existing in England is historically incredible. What the name really means I do not venture to guess.

Barmoor, pronounced 'Baremoor', and in the thirteenth century spelt *Beiremore*, *Beigermore*, is explained as containing the hypothetical personal name \**Béagher*. This is formally possible, as the *-es* of the genitive sometimes disappears. But why may not the name be *beger-mór*, 'bilberry-moor'?

Ousterley appears three times in parish registers (1369, 1391, 1429) as *Houstre*, *Hustre*, and the author takes the name to be 'house-tree', for which he offers very unconvincing explanations. But the spelling of parish registers is often erratic, and *Oustrefeld* is found in a more trustworthy source of 1382. As Ouster- or Auster- is a common initial element in place-names, the initial H may be disregarded. I would suggest *eowestre* (*eawestre*), 'sheepfold'.

The curious place-name Unthank is found in many parts of England.

Many years ago, I suggested that it might denote the abode of a squatter, who had settled on a piece of land 'without the owner's consent' (*æsp hláfordes unbances*). But Mr. Mawer may be right in seeing in the name an allusion to the 'ungrateful' character of the soil.

Esperley (*Esperdesleghe*, 1230) and Esper-Shields (*Esperdosele*, 1225, *Estberdesheles*, 1230) seem certainly to contain the genitive of a personal name. But there is no analogy for such a name as \**Æspheard*, and its existence is not rendered more credible by the remark that 'as aspen wood is very soft, the name was probably ironical in its original application'. It seems possible that the name was \**Eastbeorht*, which, though not recorded, is at any rate formed from elements that are common in personal nomenclature. In the thirteenth century the spellings *Estberdes*- and *Esperdes*- are not surprising.

Mr. Mawer may be right in regarding the first element in Elchester, Helchester, Oulchester, and Rudchester as of English origin. But the etyma proposed, although quite possible, are not so convincing as to exclude the possibility that any one of these names may (like Manchester, Gloucester, Dorchester, and many other 'chesters') contain the first syllable of the older British name. On the other hand, it is not certain that Binchester is the *Οἰνωόριον* of Ptolemy. The continental analogues cited to show that a primitive Celtic W may yield B in modern names prove nothing for this country; and the author's reference to 'Richard of Cirencester's *Benonis* for *Venonis*' must surely be a mere slip: he can hardly be unaware that the itinerary of the pseudo-Richard is an eighteenth-century forgery.

Although I have found a good deal to criticize in the details of Mr. Mawer's work, I wish to reaffirm the high estimate of its value that I expressed at the beginning of this article. In the present state of the study of place-names, no single investigator, however able and diligent, can escape falling into a number of mistakes which he would have avoided if he had had the opportunity of discussing every problem with his fellow-workers.

HENRY BRADLEY.

## *Short Notices*

ANY student of early history who might be attracted either by the title *Die Herkunft und Geschichte des Arischen Stammes* (Berlin: Arier-Verlag, 1920), or by the author's name, Karl Georg Zschaetzsch, may form some idea of the character of the book from the details given in an English prospectus sent along with it, in which the price is stated as 25s. The author, it is claimed, has traced the history of the Aryan races back as far as 29,500 years ago, and 'all the interesting details of the political life and the occurrences in the original home of the Aryans are brought before the eyes of the reader'. He has shown that 'the Christian festivals and the Solstice celebration' have no solar basis, but commemorate 'important events going back to a period of more than 13,000 years ago'. More particularly he has thrown a new light on the history of family names and names of places, and has shown that many of the former 'can boast of the venerable age of 16,000 years'. The book, in fact, had its origin in the author's study of his own surname, and mainly consists of a wild heaping together of names from all quarters of the Aryan world and elsewhere with a defiance of scientific method which is quite indescribable.

W. A. C.

Mr. J. T. Fowler has revised his edition of *Adamnani Vita S. Columbae* (Oxford: Clarendon Press, 1920) which originally appeared in 1894; and as it was then reviewed in our columns<sup>1</sup> it will be unnecessary to say much about it now. A short new preface has been added. The notes have been removed from the foot of each page of text and are printed together at its conclusion; and they have been brought up to date by the inclusion of references to some important works which have been published since 1904, viz. Bury (J. B.), *Life of St. Patrick* (1905); Plummer (C.), *Vitae Sanctorum Hiberniae* (1910); and Gwynn (J.), *The Book of Armagh*. Occasionally new and important matter is introduced at the cost of the displacement of some of the older text, as may be seen by comparing p. 20, § 11, with p. xxiii, § 11, of the first edition.

F. E. W.

In *King Alfred's Books* (London: Society for Promoting Christian Knowledge, 1920), Bishop Browne aims at setting forth 'to the English of the twentieth century the books which King Alfred translated or set others to translate from the Latin for his English subjects in the ninth century'. With this purpose he has compiled a series of extracts from various English translations of the Anglo-Saxon renderings of St. Augus-

<sup>1</sup> *Ante*, x. 554.

tine's *Soliloquies* ('Blooms'), the *Dialogues* and the *Pastoral Care* of Gregory the Great, the *Universal History* of Orosius, Bede's *Ecclesiastical History*, and the *Consolation of Philosophy* of Boethius, and has added an introduction, descriptive and explanatory chapters, and a connecting thread of commentary. The volume is so evidently a labour of love that it seems ungracious to suggest that it is a work of supererogation, but it is difficult to see to what kind of public it will appeal. Too costly for the ordinary reader, it is too popular for the specialist, to whom the original texts in critical editions are easily accessible. Still, Bishop Browne has illustrated his subject from a wide and varied range of knowledge, and the book affords pleasant, if somewhat discursive, reading. The book is, on the whole, well printed and accurate, though verbal and historical slips occur, and the cover bears a peculiarly unhappy 'Englishing' of the legend on the Alfred Jewel: 'Ælfred caused make me'—which is neither grammatical modern English nor a literal translation of the original Anglo-Saxon. The identification of 'book-land' with 'fee simple' (p. 9, n. 1) is misleading. 'Book-land' is land held by 'book' or charter, in contradistinction to land held by unwritten title. The date of Alfred's accession was 871, not 872 (p. 178), and Ecgbryht was not his father (p. 193). In his introduction, Bishop Browne adheres to the opinion, rejected by Stubbs and by practically all the recent biographers of King Alfred, that the *mater* to whom in Asser's pretty story Alfred read or repeated the book of Saxon poems was his step-mother Judith, Ethelwulf's Frankish child-wife. The consequent suggestion that the art of Wessex may be traced to a Frankish source is only partially true. Frankish and Celtic influences and native taste all had a share in producing the remarkable school of ninth-century Anglo-Saxon decorative art.

B. A. L.

In *St. Oswald and the Church of Worcester* (British Academy, Supplemental Papers V) the Dean of Wells elucidates one of the obscurer episodes in the tenth-century re-establishment of English monasticism. His method is to criticize the biographies and histories of the early Norman age in the light of tenth-century documents and of such literary materials as incorporate a genuine Old English tradition. The result is a convincing story of Oswald's dealings with his cathedral church. He found at Worcester a small church dedicated to St. Peter and served by secular clergy. Into this community he gradually introduced monks from his new foundation of Ramsey. Although Oswald became bishop in 961, there is no proof of the presence of monks in his *familia* before 977, nor is there any trace of a sudden change in the composition of this body at any time. In 983 Oswald completed a new and larger church at Worcester in honour of St. Mary; the earlier church of St. Peter remaining beside it for half a century longer. These conclusions are supported by an appendix of three sections. The first section discusses and dismisses seventeen land-books earlier than Oswald's time, which refer to a church of St. Mary as already existing in Worcester. The notes on these charters form a very valuable contribution to the criticism of early Old English documents. They are followed by a discussion of the date at which monks were first introduced into the church of Worcester. The final

section, which relates to the life of Odo, archbishop of Canterbury, proves that the *Vita Odonis Archiepiscopi Cantuariensis* which Mabillon edited was written by Eadmer, precentor of Canterbury. The paper contains few statements which invite criticism, but the description of the tenth century as an age of intellectual progress and unbroken peace is not borne out by the detailed history of that period. The early forms of the Gloucestershire place-name Barnsley, such as the *Bernesleis* of Domesday, show that it cannot be identified with the *Bearmodeslea* of Cart. Sax. 304. The Hereford where Eanswyth received land from Bishop Deneberht is now represented by the village of Harvington in Worcestershire. Finally, although many spurious documents are certainly included in the *Historia Monasterii de Abingdon*, it is hardly fair to bracket Abingdon with Winchester in a list of houses famous for the fabrication of charters.

F. M. S.

We have received the first volume of Dr. Joseph Mann's study of *The Jews in Egypt and in Palestine under the Fatimid Caliphs* (London: Milford, 1920). The Fatimid Caliphate is perhaps most generally known as the dynasty which provoked the Crusades and upon whose ruins Saladin rose to greatness. In Muslim history the Fâtimids' claim to notice is that they were direct rivals, both spiritual and temporal, of the caliphs of Baghdad. But even the Arab histories which deal with the period do not concern themselves with much beyond the political or military adventures of the personages at the head of affairs. As usual in the Arab chronicles the ordinary life of the people and common ideas of the times go more or less unnoticed. We have occasional glimpses in them of the status of the non-Muslim peoples, and suspect that, as generally in Mohammedan countries, they lived for the most part in a state of subjection, that the weight of oppression upon them varied with different monarchs, and that occasionally a Jew or Christian rose to high office in the state simply because the ruler could not trust a lieutenant of his own people to remain always content with lieutenancy. Dr. Mann's work supplies a good many details throwing light on the domestic politics of the Jews of the period. The material is mainly culled from fragmentary manuscripts found in the Genizah at Cairo, a depository of documents which has already supplied so valuable a literary find as the Hebrew original of Ben Sira. On the whole the value of Dr. Mann's work lies not so much on the historical as on the literary side. He has not managed to write a connected history or even to give a general picture of the period, but the details he gives help greatly to fill in the sketch of it we already have. The literary side promises to be of rather greater value, but that can only be adequately judged with the publication of vol. ii, which contains in full (as appendices) the Genizah texts mentioned in the first volume.

R. L.

Dr. William Farrer, to whose generosity the readers of this Review were indebted for its original publication in 1919, has reissued his *Outline Itinerary of King Henry the First* as a separate volume with the important addition of an index (London: Milford, s.a.). A renewed perusal of the work increases our opinion of its great value. Since it was first printed

Mr. V. H. Galbraith has made public twenty-two new charters from two chartularies in the British Museum which had not previously been made use of; <sup>1</sup> but they throw no fresh light upon Henry's itinerary, and the document which mentions some of the attendants at the Whitsuntide court of 1110 is not in its present form free from suspicion. The materials calendared by Dr. Farrer have been collected with immense industry, and will, no doubt, be found of great service by Mr. H. W. C. Davis when he resumes the publication of his larger enterprise, the *Regesta Regum Anglo-Normannorum*. Dr. Farrer has done nearly all that is possible in dealing with charters in which the date of time is normally, and the place frequently, absent. To establish the itinerary more exactly can only be accomplished by means of a critical examination of the sequence of the title-deeds of a multitude of religious houses, and this will need the co-operation of local students in all parts of England and Normandy. L.

*The First Norse National History* (reprint from *Edda*, xii. 90-121), by Professor Halvdan Koht, is a new study of the Latin *Historia Norvegiae*, which was discovered and first published by Munch in 1850. There has been considerable diversity of opinion as to the date and provenance of this work. Dr. Koht's conclusion is that it must have been written in or about 1170, that the author was a Norwegian living in western Norway, and that there are strong grounds for identifying him with Magister Arnulv of the monastery of Munkeliv in Bergen. The Agnellus at whose instigation the work was written was no doubt Thomas Agnellus, arch-deacon of Wells, whose sermon on the death of Prince Henry of England in 1183 has been preserved. W. A. C.

With the sixth volume <sup>2</sup> of his *Geschichte des deutschen Volkes vom dreizehnten Jahrhundert bis zum Ausgang des Mittelalters* (Freiburg im Breisgau: Herder, 1915) Professor Emil Michael, S.J., turns from the social, literary, and artistic history of Germany in the thirteenth century to the study of political events. This first volume of the political history deals with the period between the death of the Emperor Henry VI and the death of Pope Honorius III (1227). Father Michael's method reminds one of Sir James Ramsay's, and his book meets a need similar to that felt in this country before Sir James Ramsay's careful and detailed survey of our mediaeval history was available. Innumerable works have been written on the careers of Otto of Brunswick and Philip of Swabia, on the recognition of Frederick of Sicily as emperor and the rule of his young son Henry in Germany; and several excellent short surveys of the period are accessible, notably Luchaire's little volume on the papacy and the empire during the pontificate of Innocent III (Paris, 1906) and Hampe's *Deutsche Kaisergeschichte in der Zeit der Salier und Staufer* (2nd edition, Leipzig, 1912). Father Michael's plan is more ambitious than Hampe's. After studying for many years German civilization in the thirteenth century in all its aspects, he is admirably qualified to act as guide among the intricate mazes of German political history. He is a pedestrian writer, without the mental range or grip of a Giesebrecht,

<sup>1</sup> *Ante*, xxxv. (1920), 389-94.

<sup>2</sup> See *ante*, xxi. 782.

but he knows his texts and has mastered all the books, monographs, and essays on the period. The narrative is full and clear, chronologically arranged, with careful and adequate references. The chief criticism which is suggested by Father Michael's narrative is that he regards German history too much from the point of view of the papal curia. This preoccupation has led him to investigate with special care the negotiations between Innocent III and the candidates for imperial power, and the numerous appendices to this volume which deal with this aspect of German politics, notably the long criticism (App. vii) of Ficker's view of the undertakings given by Otto of Brunswick in 1209, deserve serious consideration. Against Ficker Father Michael holds that Otto gave precise promises to return the papal territories in Italy, but, after gaining his end, his coronation as emperor, he deliberately broke his word. Another episode in the period which Father Michael treats with enthusiasm is the rule of Archbishop Engelbert of Cologne as regent and governor of the young king Henry VII. He is able to bring out the share which Engelbert had in the movement of ecclesiastical reform in Germany, a personal aspect which Hauck, for example, hardly touches in his great history of the church in Germany.

F. M. P.

The second volume of Dr. Heinrich Kretschmayr's *Geschichte von Venedig* (Gotha: Perthes, 1920), which embraces the period from the Fourth Crusade to 1516, and has the sub-title *Die Blüte*, appears fifteen years after the first, and forms with it the thirty-fifth work of the well-known collection, *Geschichte der Europäischen Staaten*. It deals with the Venetian colonies in the Levant and with Venetian rule over the Dalmatian coast-towns as well as with the capital and its Italian territory; it describes the machinery of government, the history of science, art, and trade, the state of society, the decline of morals and the growth of luxury, as well as the political and military events of these three centuries. But this bulky volume, which is admittedly based in great measure upon second-hand information, adds little to our knowledge, is written in a dry style, and given to the world in a manner reflecting little credit on the publisher, for the paper is poor and the book falls to pieces as soon as it is cut. The bibliography of the Latin Orient shows that the author has not kept pace with modern research into that subject in other languages than German. A notable example of this is the omission of the indispensable works of the eminent Catalan scholar, Don Antonio Rubió y Luch, upon the Catalan period in Greece, which have been further supplemented since their last mention in this Review<sup>1</sup> by his valuable monograph on *La Grecia Catalana desde 1370 a 1377*, published in the *Anuari de l'Institut d'Estudis Catalans* at Barcelona (1914), and by his *Contribució a la Biografia de l'Infant Ferràn de Mallorca*, published in the *Estudis Universitaris Catalans* at Barcelona (1915). The copious list of books omits the further instalment of Jireček's *Geschichte der Serben* and recent accounts of the Gattilusj of Lesbos. Monemvasia, as I have elsewhere shown from documents,<sup>2</sup> was not Venetian, as the present author asserts after Hopf, in 1419 (p. 273). Several important works upon the Venetians in Greece,

<sup>1</sup> *Ante*, xxviii. 607.

<sup>2</sup> *Journal of Hellenic Studies*, xxvii. 300.

such as Lunzi's valuable treatise upon the Ionian Islands during the Venetian occupation, were inaccessible to the writer, who is apparently unacquainted with Professor Andreades' book upon their economic administration during the same period, and whose researches in Italian libraries were inevitably hindered by the war. The dates of the Lombard kingdom of Salonika and of the Crispi dukes of Naxos require revision by the light of published discoveries, and here and there the spelling of proper names, e.g. 'della Roche', is inaccurate. The most interesting part of the book is that which describes Venetian society; but we could wish that Mr. Horatio Brown, who possesses an unrivalled knowledge of the Venetian archives and has lived the life of the lagoons for a whole generation, could be persuaded to write that final history of Venice, political and social, of which his historical sketch and his translation of Molmenti gave us a foretaste.

W. M.

The short monograph of Mr. H. S. V. Jones entitled *Spenser's Defense of Lord Grey* (University of Illinois Studies in Language and Literature, vol. v, no. 3. Urbana, 1919) will chiefly interest students of literature. Though adding nothing to our knowledge of Lord Grey's administration in Ireland, or of the poet's political activities, it examines at some length the influence of the French *politiques*, and above all of Jean Bodin, upon the political thought of Spenser as revealed in his *View of the State of Ireland* and Book v of the *Faerie Queene*. The author disclaims any intention of entering into the political controversy as to the rights or wrongs of the lord deputy's policy, yet his bias appears in his assumption (p. 10) that Spenser understood the significance of the situation in Ireland, which is at least a disputable point. He prefers to discuss the issue on ethical rather than on historical grounds, asserting that the fundamental question raised concerns the relation in the abstract between justice and tolerance, since Spenser undertook to defend his patron from the suspicion of intolerant protestantism. This leads him to an examination of contemporary speculation on the subject of toleration in England and France, which forms the main body of his work. Spenser's political views and his interpretation of Grey's character are considered to be derived in the main from the *République* of Bodin, many apposite parallel passages being quoted as evidence. Moreover, Spenser's historical method is similar to that outlined in the *Methodus ad facilem historiarum cognitionem*. This is all worth pointing out, but Mr. Jones is on less secure ground when he asserts that 'Spenser and Bodin also agree . . . that the sovereignty of the Prince rests upon a contract of permanent validity'. In the passage cited from the *View*, by which Mr. Jones supports this contention, Spenser seems to use the term 'sovereignty' without any strictly philosophic meaning. The dissertation concludes with a detailed criticism of the theory that Spenser's defence of Lord Grey relies primarily on the political principles of Machiavelli's *Prince*. The essential weakness of the essay is its lack of a proper historical background. The author's main authority for Tudor history appears to be Mr. A. D. Innes's *England under the Tudors* (which is quoted rather freely in several foot-notes), supported by casual references to the *Cambridge Modern History* and the *Domestic and Irish Calendars*.

F. J. R.



The useful and methodical discussion of the text and manuscripts of Evelyn's diaries which the Rev. H. Maynard Smith prefixes to his *Early Life and Education of John Evelyn* (Oxford Historical and Literary Studies, vol. xi. Oxford: Clarendon Press, 1920) raises hopes which are not fulfilled. The volume contains the text of the diaries down to 1641, with a full critical apparatus comparing the different printed versions. Through no fault of the editor's a comparison with the manuscripts cannot now be made. But the amount of Evelyn's text here given barely exceeds twenty pages, and the rest of the volume is taken up with a commentary more than seven times as long. We have noticed an excessive number of errors: on p. 147 alone, for instance, are two obvious misprints ('cherisheb' and 'Sohms' for 'Solms') and a reference to 'Chamberlayne, *Angliae Notitia*, p. 76', which is likely to be wrong for a good many of the twenty editions of that work. What is worse, the annotation is not devoted to elucidating the text, but to a discursive heaping together of facts, many of which are as remote from the subject as the statements that the dome of St. Paul's can be seen from the top of Leith Hill (p. 12) or that the possession of the castle of Arundel carries with it the dignity of an earldom (p. 98).

M.

The first volume of Mr. Johan E. Elias's *Schetsen uit de Geschiedenis van ons Zeewezen*, which was noticed in this Review four years ago,<sup>1</sup> dealt with Dutch naval affairs down to the outbreak of the first English war. Before passing beyond that date, the author has produced two more volumes dealing with the earlier period, *Het Voorspel van den Eersten Engelschen Oorlog* (The Hague: Nijhoff, 1920). The title is somewhat misleading, since, instead of tracing all the varied disputes in different spheres which culminated in the war, the author confines himself as far as possible to the economic relations of the two powers, a limitation which has been forced on him by the quantity of his materials. The arrangement of the chapters is systematic and not chronological. The first volume deals with European affairs in four chapters, of which the first three cover the development of the Dutch trade and fisheries and their influence on foreign policy; navigation, industry, labour and capital as factors in Dutch imperialism; and the development of British trade, especially with the Netherlands, from Edward III to Cromwell. In these it is easier to maintain the economic attitude than in the fourth chapter 'Mare Liberum—Mare Clausum', where the controversy cannot be described without reference to legal and diplomatic sources. The second volume has four chapters on affairs outside Europe, the division being geographical. Except for some resolutions of the Amsterdam and Edam municipalities, the author does not seem to have used new manuscript sources, so that he does not add much absolutely new information on the obscure passages of the economic history. What he has aimed at doing is to survey the considerable mass of monographs which have been written in the last twenty or thirty years on and around his subject, and this task he has carried out with much skill and judgement. He gives the best existing introductory account of the relations between the English and the Dutch

<sup>1</sup> *Ante*, xxxii. 622.

in the first half of the seventeenth century. His work would, however, have been more valuable if he had made a still greater use of English books such as those of Professor W. R. Scott, whom he does not mention, and Professor Unwin, whom he seems to know only from a brief contribution to this Review. Some slips in English names could hardly have been avoided, as 'Grasham' (i. 109), but the explanation of the word 'purchase' as synonymous with 'obtain' (ii. 96) and the reference to Alberico Gentili as a 'Spaansche jurist', with one or two other mistakes, seem to imply hasty work. A fuller table of contents would have been useful.

G. N. C.

The *Bronnen tot de Geschiedenis van de Leidsche Textielnijverheid*, three volumes of which have been noticed in this Review,<sup>1</sup> have recently been supplemented by a volume, also edited by Mr. N. W. Posthumus, but issued by the Historisch Genootschap of Utrecht, of the *Bescheiden betreffende de Provinciale Organisatie der Hollandsche Lakenbereiders* (Amsterdam: Müller, 1917). These are the records of conferences meeting every two years from 1645 to 1737, and every four years thereafter till 1795, of representatives of the laken-makers from ten principal towns of Holland. In seven of these towns, guilds of laken-makers already existed in 1645; in two others—Enkhuizen and Hoorn—they were shortly afterwards set up; only at Alkmaar did the industry remain unorganized. At Leyden, which was by far the greatest centre, the laken industry, which had been famous in the fifteenth century, suffered almost total eclipse during the troubles of the sixteenth century, and had its place taken by the migrating new draperies, but after 1610 it began to revive, on the basis of improved technique, and by the middle of the century was once more the most highly valued branch of Leyden textiles. As the last to be developed, it was the most capitalistic in its organization, and the federation of masters established in 1645 probably arose out of a strike of journeymen at Leyden in 1637. Its records present two divergent aspects—on the one hand the attempt of a group of mediaeval guilds, armed with the powers of search and seal, to restrict the competition of village industry, and, on the other, the repudiation by the larger employers of guild restrictions on the supply and mobility of labour. There is clear evidence of the transition from gild to trade union between 1650 and 1700, and the frequent references to 'foul' shops and workmen, to 'agitators' and 'turnouts' need elucidating by some account of the 'box-clubs' which undoubtedly existed at this period amongst the skilled journeymen of Holland and Belgium.

G. U.

In *Tournay (1695-1760)* (Paris: Alcan, 1920, 2 vols.) M. Michel Lhéritier has given a very complete and detailed life of Louis Urbain Aubert, marquis de Tournay, intendant of Limoges from 1730 to 1743 and of Bordeaux from 1743 to 1757. Tournay can certainly be ranked among the great intendants. In his capacity of servant of the king, he worked for the public good, even to the detriment of his own advancement. He was a man of amazing industry, with considerable ingenuity, if not

<sup>1</sup> *Ante*, xxix. 156.

originality, in dealing with economic crises, as the measures bear witness which he used to cope with the famine first in the Limousin and later in Guienne. Although he held office at Limoges for only one year less than he did at Bordeaux, his name is usually associated with the latter place, which still shows how much it is indebted to his public works. Probably his intendency at Limoges has been obscured by such a successor as Turgot, though, as M. Lhéritier points out, much which has been attributed to Turgot was in fact initiated by Tourny, notably the celebrated porcelain industry. M. Lhéritier has spared no pains in the compilation of this biography. He has consulted the departmental and communal archives not only within the *généralités* which Tourny controlled but also where he and his family held estates. Yet in spite of numerous quotations from private letters as well as from official correspondence, he has hardly succeeded in giving a living picture of Tourny. The defect probably lies as much in the character of the intendant as in his biographer's arrangement of his material. The book has a detailed table of contents, an index of places and of proper names, and many interesting plans and illustrations.

M. A. P.

In *Captain Bligh's Second Voyage to the South Sea* (London : Longmans, 1920), her newest contribution to the history of exploration in the Pacific, Mrs. Charles Bruce Marriott (Ida Lee) adds to the debt which the student already owes her, and helps to restore the reputation of a great navigator. The story of William Bligh's first independent voyage to the South Seas has often been told. The mutiny of the crew of the *Bounty*, and the voyage of more than 3,600 miles which Bligh and his remaining comrades endured in a small launch, have never failed in their appeal. When Bligh reached home in March 1790 he was received with much enthusiasm, and King George was instrumental in sending him out again in July 1791 to attempt once more the transport of bread-fruit plants from the South Seas to the West Indies. In the present volume Mrs. Marriott transcribes the more important parts of the log-books of this second voyage. The log-books have only recently been rescued from oblivion and made accessible by the librarian of the admiralty. Bligh, who was in command of the *Providence* and the *Assistant*, touched at Table Bay and then proceeded to Tasmania, the eastern coast of which he in large measure surveyed. He then renewed his acquaintance with Tahiti, where he was well received by the natives, who had much to tell him of the conduct of the men who had mutinied during the earlier voyage. Bligh stayed at Tahiti for over three months, and secured a large supply of bread-fruit plants. His journal contains a store of information about the customs of the natives. Setting out for East Indian waters, he visited Aitutaki and the Tonga Islands, and then spent a considerable time in an examination of the Fiji group, through the northern parts of which he had passed in the launch. He may indeed claim to have been the discoverer of most of the western islands of the group, and he certainly was the first to write any full description of the Fijians. He then passed to the New Hebrides, visiting the Banks group to the north. Thence he threaded Torres Straits, entering and leaving by way of channels which he himself now first

surveyed, and which have remained the most popular approaches to that dangerous sea. After a sojourn at Timor, Bligh crossed the Indian Ocean by way of Madagascar, and rounded the Cape. Touching at St. Helena he reached St. Vincent in January 1793. Most of the plants were duly delivered, although the bread-fruit never gained the appreciation of the West Indians. Bligh reached England in August. The editor's presentation and interpretation of the log-books are admirable. The value of Bligh's pioneer work in directions which were to be further explored by Flinders and others is clearly brought out. Bligh's subsequent unfortunate record in New South Wales should not be permitted to obscure his eminent services as a seaman and discoverer.

A. B. A.

The memoirs of Alexandre Moreau de Jonnès (originally published in 1858 and again in 1893 under the title *Aventures de Guerres*) have now been abridged and translated as *Adventures in Wars of the Republic and Consulate* (London: Murray, 1920). The writer describes as a participant the English occupation of Toulon in 1793, the battle of the first of Jun in 1794, the defeat of the expedition to Quiberon Bay in 1795, the mutiny at the Nore, the French invasion of Ireland in 1798, and various episodes in the West Indies, 1801-5. Accounts of these events by a fervent supporter of the French Revolution cannot fail to be interesting, but it is very doubtful whether much reliance can be placed on the veracity of Moreau, who is certainly guilty of serious errors and gross exaggerations. A few specimens must suffice. He states that the French rear-admiral St. Julien sailed through the midst of the English fleet at Toulon when St. Julien really escaped by land, and speaks of 16,000 English soldiers when there were only a few thousands. He assigns thirty-six men-of-war to Howe in 1794, when he had only twenty-six, and gives Cornwallis 25,000 soldiers in Ireland in 1798, instead of less than half that number. Confidence in his relation of the mutiny and of his conversations with Parker is shaken because he wrongly calls the mutineer Samuel (instead of Richard), and because he completely misrepresents the circumstances of Parker's reburial, although he was sheltered by that seaman's wife.

G. D.

The first volume of the *Procès-verbaux de la Commission Temporaire des Arts* (Paris: Imprimerie Nationale), edited by M. Louis Tuetey, was published in 1912.<sup>1</sup> The second volume, which bears the date 1917, has only lately reached this Review. It contains the minutes of the sittings of the year December 1794 to December 1795, and in it the work of this body of commissioners is completed. At the last meeting the minister of the interior thanks his colleagues for the efforts they have made 'à rassembler les débris échappés au vandalisme'. To judge from their reports nothing of interest can have escaped their observation, but it is not always clear—in spite of the useful editorial notes—what, if any, action was taken upon the recommendations of the commissioners. That the most competent and distinguished experts were employed, that they worked very hard, and in all parts of France, is evident. Half of this new volume of 658 pages is devoted to an admirable and very full index,

<sup>1</sup> *Ante*, xxviii. 819.

which makes the mass of miscellaneous material dealt with easy of access. Some indication of its value was given when the first volume was noticed in these pages. We can now probe, if only a little way, further into the contents of the whole work. Fourteen columns of the index refer to the subject of libraries alone. We hear of collections which passed to the Bibliothèque Nationale, such as the manuscripts saved from the fire at St. Germain-des-Prés; of the search for the original correspondence of Abélard and Héloïse in the district of Nogent-sur-Seine, of Chinese manuscripts supposed to be at Metz, of the burning of books, church accounts, and statues on the *place* at Verdun, of a library to be sold at Dijon, in which were many precious things including 'magna charta avec 274 gravures supérieurement peintes', truly, as the editor adds, 'un ouvrage unique'. Works of art of every description were, of course, the main business of the commission. Pictures, statues, medals, engravings, furniture, monuments, architecture, are all sedulously inquired into. The restoration of paintings occupied the commission at several sittings and the conclusions reached fill an interesting appendix. Scientific collections and equipments are reported upon, and a set of surveying instruments are ordered to be sent to Constantinople. Inventories were made of the property of *émigrés*, and even the wardrobes full of dresses belonging to the *ci-devant* owners, as at Ambres, were not overlooked. Sometimes the reports are tantalizingly slight, but M. Tuety is often able to supply details from other sources. He gives, for example, a list of the pictures by Rubens and other masters carried off from Antwerp and Brussels by an order of the *représentants du peuple*, 17 August 1784, and is able to show us how amply the Comte d'Artois had decorated his prison rooms in the Temple with paintings, china, and Boule furniture. M. Tuety is much to be congratulated upon the achievement of a laborious and patriotic task.

R. E. P.

The first volume of Dr. Eduard His's *Geschichte des neuern Schweizerischen Staatsrechts* (Basel: Helbing und Lichtenhahn, 1920) covers the period 1798 to 1813. Its constitutional landmarks are the formation of the Helvetic Republic in April 1798 and the Act of Mediation of April 1803, but Dr. His deals exhaustively with every aspect of Swiss life under French domination—law, trade, taxation, religion, emigration, conscription, education. The experiences of Switzerland were typical. The cantons were first invited to welcome the rights of man, and men like Ochs and Laharpe were fervent propagandists of abstract 'natural' theories. The constitution of 1798, for instance, laid down that 'freedom of the press is the natural corollary of every man's right to obtain knowledge'. Bureaucracy and French militarism slowly dispelled the glamour of government on first principles. In 1813 Switzerland was relatively nationalist in sentiment and liberal in politics. Dr. His writes with much learning on the political philosophy of the time, and his work will carry great authority on Swiss history.

G. B. H.

Under the title of *Un Turc à Paris: 1806-11* (Paris: Bossard, 1920) M. Bertrand Bareilles has published an amusing report, which he picked

up in manuscript at a Stambûl bookstall, by Mouhib Effendi, ambassador of Selim III to Napoleon. The report contains interesting conversations with Napoleon (who told the envoy that he had gone to war against Russia to get the Bocche di Cattaro and who discussed the Serbian rising) and with Talleyrand, and shows the alarm of the Turks at the French occupation of the Ragusan republic in 1806. The mutilated names of Italian and Balkan towns mentioned (pp. 105-6) may be identified: 'Keramote' is Cremona, 'Pouzzole' Bozzolo, 'Isvonik' Zvornik, 'Pier-pol' Bijelopolje, and 'Wulschtrin' Vutchitrn.

W. M.

The tenth part of Dr. Colenbrander's *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840*<sup>1</sup> ('s Rijks Geschiedkundige Publicatiën. The Hague: Nijhoff, 1918-20), of which three volumes have reached us, is to cover the government of William I from 1830 to 1840. The first volume contains exclusively English reports, and, with a few exceptions, consists of documents from the Public Record Office (Series Belgium, France, and Holland). It completes the information given in the parliamentary paper of 1833 (papers relating to the affairs of Belgium), and is throughout mainly concerned with the Belgian question, but contains also a certain amount of matter bearing on other matters such as trade questions and the rise of a parliamentary opposition in Holland. The second volume contains French reports mostly from the series Angleterre, Belgique, and Hollande in the Ministère des Affaires Étrangères, Paris. Just as the first volume contains some extracts from the printed Wellington dispatches, this volume has some from Talleyrand's memoirs. His general instructions and policy were 'maintenir la paix en conservant intacte la dignité de la France', and though French policy, as Dr. Colenbrander observes, vacillated a good deal, it came back to that. Beginning moderately, it became more ambitious when the Polish revolt tied the hands of Russia, but Casimir Périer returned to a moderate policy. The third volume contains Prussian reports from the Kgl. Geheimes Staatsarchiv, Berlin, Austrian reports from the Vienna records, and Russian reports from the ministry of foreign affairs and the Winter Palace, St. Petersburg. These are all supplemented by documents from the Rijksarchief at The Hague (Dr. Colenbrander visited St. Petersburg just before the war, and had luckily got his copies done before the revolution broke out). The reports in this volume, Dr. Colenbrander observes, the reports of the agents of the powers which left William in the lurch, though they professed to support him, show that their agents soon became convinced that it was quite impossible to reverse the Belgian revolution. Metternich might say

Le principe de non-intervention est très populaire en Angleterre. Faux dans sa base, il peut être soutenu par un état insulaire. La nouvelle France n'a pas manqué de se l'approprier et de le proclamer hautement. Ce sont les brigands qui récusent la gendarmerie, et les incendiaires qui protestent contre les pompiers. Nous n'admettrons jamais une prétention aussi subversive de tout ordre social,

and so forth (21 October 1830). In fact Austria, Prussia, and Russia left the Belgian question to be settled by France and England. The volumes

<sup>1</sup> See *ante*, xxi. 598; xxii. 380; xxiii. 801; xxviii. 585.

bear every sign of care and knowledge in their editing and annotations, but the tables of misprints at the end are by no means complete, especially in the first volume (e. g. p. 13, a wrong date (1330), and wrong reference: Aberdeen did not write to Wellington from Strathfieldsaye). But in the enormous mass of material—the three volumes contain about 1,800 pages—a few misprints are inevitable.

H. L.

The new edition, with introduction and notes by Mr. Henry Bruce, should give new life to Colonel Meadows Taylor's *Story of My Life* (Oxford: University Press, 1920), one of the best books of Anglo-Indian recollections. Mr. Bruce's introduction and notes are a valuable addition, and besides throwing light on Taylor's literary work as a whole, reintroduce us to the generally unknown Anglo-Indians of pre-Mutiny days, when Englishmen made India their home for forty or sixty years together and acquired a knowledge of the Indian now rarely, if ever, equalled. If he has some of the invariable dislike of those who have served in the south for 'the vast enervating plains of Bengal', it is amply made up for by his excursus into Mahratta and Moslem history, and many tempting by-ways—as of the history of the negro in India—of which there is much yet to be written. If additional notes were to be suggested, they would be perhaps on those forces of the Bombay and the Coast armies of whose loyalty in the Mutiny Taylor writes so gladly (and army commissions reported so strongly), now long fallen, for many curious reasons, from their high estate. But one could hardly go to India better inspired than by this edition of a true classic.

K. F.

M. Joseph Cuvelier's *Les Archives de l'État en Belgique pendant la Guerre, 1914-18* (s.l., s.a.) is a special number of the *Annuaire* which corresponds to the report of the deputy-keeper of the public records in England or Ireland. It acquires a special interest from the circumstances of the period, and the portions of it which relate to the damage and inconvenience caused by the German occupation of Belgium will be eagerly read throughout Europe. The punctual performance of its duty by the staff, in discouraging conditions, is something to be proud of. The administration of the archives was somewhat disorganized by the separation of Flemish and Walloon territory, but this did not proceed far enough before the armistice to destroy M. Cuvelier's superintendence of the archive service. The actual losses of documents, though serious both at Arlon and at Liège, were fewer and less important than might have been expected. A thirteenth-century cartulary of the abbey of Val.-St.-Lambert and some early charters of that of Saint-Hubert are the most interesting. The losses seem to be due to forced removals and the use of the premises for barracks by insufficiently disciplined troops. The administrative action of Dr. Richter of Wetzlar, whom the German government entrusted with an inspection of the archives, seems to have been mainly beneficial. The most serious damage to the buildings seems to have been the result of an allied bomb at Bruges, but this, fortunately, did little harm to the documents. No doubt there has been much destruction of communal archives in the war area, but full accounts of this are not yet forthcoming.

To an English reader this report, with its excellent index, appears a little extravagant considering the cost of printing and paper. We have full details of acquisitions by purchase or otherwise, of gifts to the libraries, and even of the names and objects of literary inquirers for each repository. It emphasizes the contrast of English and continental ideas of policy in these matters. Documents in the state archives may there be of private origin and even purchased. They may be transmitted for literary purposes from one repository to another. Nor does the doctrine of custody seem to have taken a firm hold of Belgian archivists, since the archivist of Liège seems to desire to abstract from their home at Vienna the appeal cases before the aulic council which affect places now in Belgium, and asserts that the corresponding step has been taken of dismembering the records of the imperial court at Wetzlar. This is, of course, completely contrary to the doctrine of *respect des fonds* which we owe to Wailly.

C. J.

The report described above names six works printed during the period of the war. Of these two, *Inventaire des Chartes et Cartulaires du Luxembourg*, tomes ii-iv, by A. Verkooren (Brussels: Guyot, 1915, 1916, and 1917) and his similar work, *Inventaire des Chartes et Cartulaires des Duchés de Brabant, de Limbourg, et des Pays d'Outre-Meuse*, tomes vi-vii (Brussels: Hayez, 1917), have already been sufficiently described in the notices of the earlier volumes in this Review.<sup>1</sup> We need only note in the former the will of John of Bohemia (ii, no. 784) in 1340 with its bequests for the compensation of the Rhenish nobles who had suffered losses in the war against the English, and an allusion in a document of 1376 (no. 1205) to the resistance made by the duke of Brabant to the march of the 'great companies'. The corresponding volumes for Brabant have a few references to Froissart, and two or three to an English archer 'Wilcock', who seems to have been a person of some importance in the Low Countries in 1376. Both these books are elaborately indexed: indeed the number of variant spellings, each occupying a separate line, seems somewhat excessive. A good point is the use of special type in indexing inscriptions on seals. These two 'Inventaires' are of course full calendars, giving the substance of the documents listed. C. J.

Of the less elaborate lists, the most interesting is M. Hubert Nelis's *Chambre des Comptes de Lille, Catalogue des Chartes du Sceau de l'Audience*, tome i (Brussels: Goemaere, 1915), which contains an account of a collection of documents removed from Lille in 1772, under the treaty of 1769 between France and Austria. These consist of (1) accounts by the 'Audiciers' who received the dues of the great and privy seals respectively; (2) warrants for the issue of letters under those seals; (3) letters sealed and not called for, brought into the Chambre des Comptes in discharge of the 'audicier'; (4) other letters coming into the Chambre des Comptes as vouchers of other accountants who had paid out money under their authority. The first and third classes thus correspond to the accounts of the keeper of the hanaper in this country, and the original letters

<sup>1</sup> *Ante*, xxix. 123, 807.



similarly brought in by him; the second to our 'Chancery Warrants', and the fourth to the original writs annexed to particulars of accounts in the department of the king's remembrancer of the exchequer. The introduction is most instructive as to the procedure of issuing letters under the seal of Burgundy in the fifteenth century, and is an excellent piece of work. It hardly seems worth while, however, to list these scattered warrants and letters since the registers of the chancery appear to exist at Lille in the Archives Départementales. M. Nelis has also prepared from the same source an *Inventaire des Comptes en Rouleaux* (Brussels: Goemaere, 1916). These are mainly territorial, and correspond roughly with our 'Ministers' Accounts', and are almost all of the fourteenth century. They include land revenue, profits of justice, mint accounts, &c., and should be invaluable for social and economic history. M. Léo Verriest contributes an *Inventaire du Fonds de la Cour des Mortmains de Hainaut* (Brussels: Goemaere, 1915). This deals with what correspond to 'heriots', and the legal questions arising from them. These documents are at Mons, and supplement the larger collections at Brussels and Lille. The *Inventaire des Archives de l'Université de l'État à Louvain et du Collège Philosophique* (Brussels: Hayez, 1917), by M. Nelis, enumerates the records of the ill-fated university and theological seminary established at Louvain by the Dutch government by decrees of 1816 and 1825 respectively. Published inventories of university archives are not numerous, and this is interesting as a specimen of the classes of documents likely to be met with in such collections. The second volume of M. Alfred d'Hoop's *Inventaire Général des Archives Ecclésiastiques de Brabant* (Brussels: Guyot, 1914) deals with parish churches and charitable foundations. It attempts, with very varying success, to give an account of the documents preserved respectively in the Royal Archives at Brussels, in the churches or presbyteries, and in the registry of the archbishopric of Malines. It is thus not homogeneous, since the three sets of records differ in origin, nor has it been possible in many cases to get returns from the parish priests. The attempt is, however, interesting, and should be of great use to local historians. All these lists are well indexed, the Belgian administration being clearly of opinion that the issue of unindexed lists is not a wise economy.

C. J.

The ninth volume of *Papers of the British School at Rome* (London: Macmillan, 1920) includes two articles of special interest for papal history. In one of these Monsignor H. K. Mann studies the evidence that remains for the portraiture of the early and mediaeval popes. He works chiefly from the medallions in St. Paul's fuore le Mure which survived the fire of 1823 and from the seventeenth-century copies by Grimaldi preserved in the Barberini MS. 4407 in the Vatican library. The earlier specimens he compares with such mosaic and fresco portraits as are preserved elsewhere. His conclusion is that 'while the portraits in old St. Paul's from the pontificate of Martin V, or even from that of Urban VI, are genuine, almost every one of the others is more or less imaginary, and yet in every period of the history of the popes a certain number of authentic portraits are available'. It would be difficult to find a greater contrast to those

here depicted than that furnished by the other article to which we have referred, on the Roman medallists of the renaissance from Nicholas V to Leo X. This is written by Mr. G. F. Hill, who notes that the medals of Paul II are of a different character from those of his predecessors and show 'a deliberate assimilation to the brass sestertii of the early Empire'. Mr. Hill omits to mention that Paul was himself a great collector of medals, and so perhaps wished to strike out a new line. Both these articles are supplied with a large number of plates as well as of illustrations in the text.

N.

The new *Jahresberichte der Deutschen Geschichte* by Dr. V. Loewe and Professor M. Stimming (Jahrgang 1918. Breslau: Priebsch, 1920) differs from its predecessor the *Jahresberichte der Geschichtswissenschaft* in being confined to German history, and by an arrangement of its matter in periods and subjects which has a general resemblance to that of Dahlmann-Waitz. The bibliography is very well done and is accompanied by useful critical remarks. Indexes of authors and subjects make it easy to consult, and the serial should become indispensable for the study of German history.

O.

Two more parts of the *Dansk Historisk Bibliografi* (Copenhagen: Gad), by Erichsen and Krarup, have appeared during 1919 and 1920, forming parts ii and iii (pp. 193-528) of the first volume. Part ii continues the chronological bibliography of 'Danmarks Historie' from Frederick VI (1808) to Frederick VIII (1912), with a short appendix of works relating to the Danish royal family. Part iii contains the first instalment of books and articles dealing with social, political, and constitutional matters, arranged under a large number of headings, which range from 'Language' and 'Runic Inscriptions' to 'Trade and Industry'. These subdivisions will greatly facilitate the consultation of the bibliography for information regarding the Danish contributions to the special literature of the various subjects.

W. A. C.

Three vigorous and lucid lectures given by Dr. P. Geyl at University College, London, in 1920, have been published with the title *Holland and Belgium, their Common History and their Relations* (Leyden: Sijthoff, s.a.). The subject has its political temptations and dangers, but Dr. Geyl has treated it, in the best sense, historically, and his rapid sketch, beginning with the middle ages and ending in 1839, may be heartily commended. One or two phrases of foreign origin might have been eliminated if the text had been more carefully revised.

P.

M. Hector Garneau has done a work of public utility, as well as of personal piety, in bringing out a new edition (the fifth) of his grandfather's well-known *Histoire du Canada*, tome 2 (Paris: Alcan, 1920), containing a few necessary corrections and additions, and a comprehensive body of references to authorities bearing on statements in the text. Most English-speaking students of Garneau's history are familiar, to some extent, with its shortcomings; what generally they failed to apprehend is the background of research and learning which lay behind its passion and pre-

judice; but no one can glance through M. Hector Garneau's notes without recognizing the solid foundations of the original structure. H. E. E.

The old yeoman families of Lancashire resemble the clans of Scotland more than the landed gentry of the south in their close concentration in well-defined areas, in their knowledge and sense of kinship in more than name, and in the persistence through many generations of a hardy stock, sometimes rising, sometimes falling, but usually preserving its level in the social scale. Research into their histories is in some ways simplified, in others complicated, by these characteristics, and the interest of inquiry is increased when, as often happens, the descent of the family property is disputed amongst many claimants. The Rev. T. C. Porteus has investigated the claim of Myles Standish to inherit lands in Lancashire. His *Captain Myles Standish: his Lost Lands and Lancashire Connections. A new Investigation* (London: Longmans, 1920) is the first attempt based upon proper historical methods. He shows that the lands in dispute were not the property of the Standishes of Standish, or the Standishes of Duxbury, but of a third branch of the family, seated at Ormskirk, and having connexions in the Isle of Man. This accurate inquiry disposes at once of the claims of Myles's descendants in the United States to the Duxbury property, and of their accusations of obstruction and fraud (with the usual 'mutilation' of the parish register), to which Longfellow in his verses gave unfortunate support. Though he cannot at present show Myles's pedigree otherwise than tentatively, Mr. Porteus has done good work in narrowing the field of inquiry and clearing it of the kind of rubbish which still too often passes muster for family history. The book also deals briefly with Myles Standish's library, Duxbury Park, Standish Hall, and the Lancashire Jacobite plots in the reign of William III.

J. E. W. W.

To our new contemporary, *The Antiquaries' Journal* (London: Milford, 1921), we extend a cordial welcome. Sir Hercules Read explains in a foreword that it is to be issued quarterly to members of the Society of Antiquaries in place of the old *Proceedings*, but is also to be offered for sale to the general public. The first number, besides notes, reviews, notices of periodicals, and a bibliography, has seven articles on archaeological subjects, the most elaborate being that of Mr. A. W. Clapham on the Latin monastic buildings of the Church of the Holy Sepulchre at Jerusalem (with a large plan) and that of Lieutenant-Colonel Hawley on the excavations at Stonehenge. Mr. Charles Johnson prints a document of 1451 relating to the children of the chapel royal. There are many excellent photographs and other illustrations. Q.

The *Church Quarterly Review* contains an article by Mr. H. P. K. Skipton, in which he throws light on the history of the non-jurors, in connexion with the character and career of Thomas Deacon, from the large collection of Brett papers recently acquired by the Bodleian Library. R.

Of the four parts (97-100) making up volume xxv of the *Yorkshire Archaeological Journal*, Part 97 has been already noticed (*ante*, xxxiv).

621). Part 98 consists of an edition, by Mr. Hamilton Thompson, of the registers of the archdeaconry of Richmond, or rather (for the originals can no longer be traced) of Matthew Hutton's abstract of them in the Harleian collection. The registers here given are those of Archdeacons Charleton (1361-83), Dalby (1391-1400), and Bowet (1418-42). It is sad to think that the later registers of 1442-84, which were in existence in 1853, have also disappeared. Richmond was altogether an exceptional archdeaconry, for, as Mr. Hamilton Thompson explains in his historical introduction, 'the archdeacon's position was all but episcopal'; he held among other unwonted privileges the right of institution to benefices; and his archdeaconry was itself the size of an ordinary diocese, covering a great part of the North Riding, part of the West Riding, the northern portion of Lancashire, and the southern portions of Westmorland and Cumberland. Mr. Hamilton Thompson copiously annotates the text of the registers and appends biographical sketches of the more important clerics who figure therein. Of the various short articles which fall in Part 99 much the most interesting is Mr. H. F. Killick's edition of the life of Sir Marmaduke Rawden, London merchant and Cavalier defender of Basing House. The biography was composed by Sir Marmaduke's nephew and namesake (whose own life has been published by the Camden Society) as part of his memoirs of the Rawden family. These memoirs, which seem to have been lost from sight since they were utilized in Wootton's *Baronage* in 1741, have turned up in the earl of Loudoun's possession and doubtless merit publication as a whole. Another long article, by Mr. John Bilson, occupies almost the whole of Part 100: its subject is the parochial church of St. Mary at Beverley, a fine church not to be confused with Beverley Minster. Mr. Bilson's architectural account, amply illustrated by photographs and detail drawings, forms an admirable example of the method by which to trace the historical development of an ecclesiastical fabric. We have also received, but reserve for future treatment, Part 101 (the first part of vol. xxxv), a report on the excavation of the Roman fort of Slack. H. H. E. C.

The 1920 volume of the William Salt Society's *Collections for a History of Staffordshire* is even more restricted in size than its predecessor, and is issued in paper covers. It is exclusively devoted to the continuation of Colonel Wedgwood's excellent *Staffordshire Parliamentary History*, and covers the period 1603 to 1715. The biographies of local members are well done, and will afford notable corrections for the *Dictionary of National Biography*, whenever that work is seriously brought up to date. The author again acknowledges his indebtedness to Mr. Pink and Mr. Beaven. The arrangement of the lives, according to the time when a member first represents a Staffordshire constituency, has its advantages, but will require at the end careful indexing. Contested elections in the boroughs are meticulously recorded; there were next to none of them to record in the county. Colonel Wedgwood makes heroic efforts to place his members in their proper party, but in an age when party was fluid and inchoate, his danger is of giving a precision to their views which they would have been astonished to discover. An interesting excursus shows that there

was a certain tendency towards widening borough constituencies in the period 1603-60, and that it was favoured by parliament, but not by the returning officers.

T. F. T.

We are glad to notice the reappearance of the *Revue d'Histoire Ecclésiastique*, a publication which has long acquired a distinguished position. We need not now draw attention to the high level of excellence maintained in the articles and reviews which it has published; and students are well aware of the comprehensiveness of the bibliography which concludes each number. But the issue of no. 3 of volume xv has a special interest, because, as stated on the wrapper, it 'reproduit littéralement le numéro de juillet 1914, qui a péri lors de l'incendie de Louvain par l'armée allemande'.

S.

In the single number of the *Archivio Storico per le Province Napoletane* for 1919 and the first number for 1920 (Naples, 1920), Signor A. Gallo begins a valuable paper on the history of the curia of Naples, one of the not many institutions which lasted without a break from late Roman times to the fourteenth century. In mediaeval times the curia is a corporation of notaries, in which were fused in the ninth century the ancient notaries of the city (i. e. the *curiales*, strictly so called, recruited among, but not coincident with, the lesser *possessoros*) and those of the bishop (*notarii S. Neapolitanae ecclesiae*, later *scriniarii*).

T.

After a long interval the indefatigable Professor Jorga (who in the meantime has been speaker of the Roumanian chamber) has continued the publication of the Roumanian Academy's *Bulletin de la Section Historique*,<sup>1</sup> of which the last two numbers of the third and fourth year (1916) and the first number of the fifth and eighth year (1920) have reached us. These three parts contain, among other essays, articles by the editor upon 'Bulgars and Roumanians in the Balkan Peninsula in the Middle Ages', 'Relations of the Roumanians with the "Ukraine"', and 'The Best French Book upon the Roumanians at the time of the Union of the Principalities'—an economic and diplomatic treatise by Thibault-Lefevre. M. Ciobanu has a topical article on 'The Roumanian Continuity in Bessarabia' since its annexation by Russia in 1812.

W. M.

The first volume of the ninth series of the Danish *Historisk Tidsskrift* (Copenhagen: Hagerup, 1918-20) is mainly occupied with articles of some length on special points in the history of Denmark from the sixteenth century to the present time. Dr. T. B. Bang writes at length on the exchange of Crown lands for other landed property in the time of Frederick II. The older commercial treaties between Denmark and Spain, from the seventeenth century onwards, are discussed by Dr. F. le Sage de Fontenay, while that of 4 July 1893 is the subject of a long communication by J. H. Heggermann-Lindenchrone. Cattle-dealing in the seventeenth century is illustrated from the account-books (1637-50) of Steffen Rode, in an article by Albert Olsen. Professor Aage Friis contributes a study of the relations between Bernstorff and Moltke during the crisis of 1762, and

<sup>1</sup> *Ante*, xxix. 618; xxx. 758; xxxi. 528.

Professor Erik Arup deals similarly with the relations of Bernstorff and Holstein in 1766-7. Professor Friis also writes on Niels Neergaard and his 'Political History of the Danish People in 1848-66', and on recent German historical studies relating to Slesvig and Holstein, besides communicating a long letter from Moltke on the war of 1864. An article of great literary as well as historical value is that by Professor Johannes Steenstrup on the origin and early history of the Danish ballads. There are two interesting topographical articles: one on the Danish name for the North Sea (Vestersøen), by Dr. V. Christensen, and the other on the Dutch origin of names in the Danish waters, by Dr. Joh. Knudsen (but based upon researches by a Dutch scholar). A supplementary part contains the bibliography of historical literature relating to Denmark for 1916, together with a considerable number of reviews.

W. A. C.

In the last volume of the *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde* (5th ser., vii) is an article by Dr. P. J. Blok on the disputed question of William the Silent's relation to the Union of Utrecht. Mr. Johan E. Elias resumes his series of 'sketches' of Dutch naval history; <sup>1</sup> Dr. A. C. Bouman discusses the earliest charters of the abbey of Mariënweerd, which were published in 1890; and, besides other articles, there are Dr. Japikse's usual reviews of Dutch historical literature.

U.

The letters from Bishop Kennett to Benjamin Colman, printed in the *Proceedings of the Massachusetts Historical Society*, vol. liii, 1920, should be noted by those interested in the question of the proposed establishment of an episcopacy on the American continent. Kennett was a strong whig and bitterly opposed to high church tendencies in matters of church and state, yet we find him recognizing the expediency 'of having bishops settled in those foreign parts committed to our care that they may judge better of things and persons within their own view'. At the same time he recognized that 'alas, there is so much of an ecclesiastical and of a civil nature in this affair, and such a concurrency required here at home and abroad, that what issue it may come to, we are yet uncertain'. In the same volume the log-book kept by John Boit, of the voyage to the north-west coast of the ship *Columbia*, is published in full. This journal contains the fullest account of the expedition which entered and named the Columbia river.

H. E. E.

<sup>1</sup> See *ante*, xxxii. 622, and p. 307 above.

## CORRECTIONS FOR THE JANUARY NUMBER

P. 24, line 14. *For* Willelmus *read* Walterus.

P. 41. Mr. James Tait writes that there seems reason to believe that the Cheshire royalist, signing 'M. S.', who wrote the letter describing the battle of Edgehill, was Matthew Smallwood, probably a member of a well-known Cheshire family. Smallwood, like M. S., was closely associated with Sir Edward Fitton of Gawsorth, and was with him at the siege of Bristol in July 1643, witnessing his will on 16 August as Matthew Smallwood, clerk (Earwaker, *East Cheshire*, ii. 561, n.). After the Restoration he was rector of Gawsorth and of Halsall, Lancs., prebendary of St. Paul's, and from 1671 to his death in 1683 dean of Lichfield (*ibid.* p. 591).

P. 139, line 25. *For* Friiscom *read* Friis.

# THE ENGLISH HISTORICAL REVIEW

NO. CXLIII.—JULY 1921 \*

## *The Dating of the Early Pipe Rolls*

NOW that the Pipe Roll Society proposes to complete, by a special effort, the printing of the rolls belonging to the reign of Henry II, it seems desirable to explain to those who are not members how the matter stands. Indeed, the importance of publishing the only roll of the reign which is not yet in print can only be understood when it is made clear that it will fill the last remaining gap in the series of these rolls.

When the Society began its labours, the Record Commission had already printed (in 1844) the Pipe Rolls of 2-4 Henry II and of 1 Richard I. The remaining rolls of the former reign were thirty in number, namely those of 5-34 Henry II. With the exception of the single roll of 34 Henry II, these rolls have all now been printed by the Society. The remaining roll will fill the gap between that of 33 Henry II and that of 1 Richard I.

The date, however, of the latter roll has proved, one finds, the subject of some misapprehension. I am not speaking, of course, of the stray topographer or antiquary, but of historical scholars and of official publications; for, in such quarters, it not unnaturally prolongs the existence of error. The point has a special interest for myself, because, if I should contribute to the roll of 34 Henry II, as to its predecessors,<sup>1</sup> an introduction, I should have to deal with the subject. Happily, one is now able to refer students of the rolls to Mr. Poole's Ford lectures on 'The Exchequer in the Twelfth Century'.<sup>2</sup> Mr. Poole, alive to the risk of confusion between the regnal and the fiscal year, has there devoted special care to making the matter clear. The reason why the roll of 1188 (34 Henry II) is immediately succeeded by that of 1 Richard I is explained by him as follows:<sup>3</sup>

The roll was always cited as the roll of a given year of the king's reign. It is essential to understand exactly what this year means. The roll

<sup>1</sup> Pipe Rolls 22-33 Hen. II.

<sup>2</sup> Delivered 1911; published 1912.

<sup>3</sup> pp. 152-3.

was made up in Michaelmas, and the regnal year is the year in which that Michaelmas fell. The accounts it contains are the accounts of the twelve months preceding that Michaelmas. . . . Thus Richard's reign is dated from his coronation on 3 September 1189: the roll was made up four weeks later, and hence almost the whole of this roll of the first year of Richard I deals with the accounts of the thirty-fifth year of Henry II. No roll for that thirty-fifth year ever existed, because it began on 19 December and therefore included no Michaelmas.<sup>1</sup> This then is the rule: the roll of a given year is the roll of the Michaelmas which fell within that year.<sup>2</sup>

Several years earlier, indeed, Mr. Poole had already insisted on the importance of the point; commenting in the pages of this Review on the charge I made against the official editor of the *Red Book of the Exchequer*, he explained that

through ignorance of the fact that, according to the exchequer practice, the roll of a given regnal year is the roll terminating at Michaelmas in that regnal year, he has dated all the scutages of Richard I and John a year too late. Thus, while Richard's first regnal year began on 3 September 1189, the roll of his first year terminated on the 29th of the same month, not a year later, as Mr. Hall supposes.<sup>3</sup>

Mr. Poole tersely added: 'I cannot agree with Mr. Hall that a blunder of this sort is immaterial'; it has led, he has subsequently observed, 'to the misdating of a series of entries in the edition of the *Red Book of the Exchequer*, pp. 9-12, 70-184'.<sup>4</sup>

In further support of Mr. Poole's assertion, I will now show, by a single illustration, the confusion which may arise from the misdating of a Pipe Roll, as in these 'Red Book' entries, even by one year. In the noble volume of *Facsimiles of Royal and other Charters in the British Museum*, issued by the trustees in 1903, a charter (no. 70) of Richard I to Reginald, bishop of Bath, confirming to the see certain hunting rights, is dated 26 November 1189. The official commentator on this charter has pointed out that 'In spite of it, in the Pipe Roll for Mich. 1190 (p. 151) the bishop is fined 100*l.* "pro propresturis minariarum et pro canibus habitis contra assisam"'. The point of this comment

<sup>1</sup> What Mr. Poole here means is that 'it began on 19 December' (1188) and ended, at Henry's death, 6 July 1189.

<sup>2</sup> *Op. cit.* pp. 152-3. Mr. Poole here cites Hunter's preface to the roll of 31 Hen. I (1130), p. xv, and my own *Studies on the Red Book of the Exchequer* (privately printed), p. 21.

<sup>3</sup> *Ante*, xiv. 150. I should like to add that, so far back as 1873, Stubbs had given the facts with his usual exactitude: he spoke of the 'Pipe Roll of the 1st of Richard I, i. e. the year ending at Michaelmas 1189; a month after Richard's coronation' (*Const. Hist.* i. 491, n. 2).

<sup>4</sup> *Op. cit.* p. 153 n. Ten years earlier (1902), Miss Norgate, in her *John Lackland*, similarly pointed out, in an elaborate foot-note (p. 123), of 'the Rolls edition of the *Red Book of the Exchequer*', that 'the marginal dates added in that edition are wrong throughout John's reign', so that she had to substitute 'the true dates' throughout it. For the scutages of that reign make the point important (pp. 122-5).



is that, in spite of a charter granted 26 November 1189, the bishop is fined for exercising a right confirmed to him by that charter.<sup>1</sup> When, however, we correct the date (here assigned to the Pipe Roll) to Michaelmas 1189, we see that the bishop must, in any case, have been fined before, not after, the charter of 26 November 1189. The whole point of the comment, therefore, disappears.

Turning now from official publications to the works of eminent scholars, we find that even Stapleton, in his well-known volumes on the Rolls of the Norman Exchequer, has erred, with serious effect, on the dates of the English Pipe Rolls in the reign of Richard I. His first volume was issued in 1840, and his second in 1844, so that he was only acquainted with Mr. Hunter's notable introduction to the Pipe Roll of 1130 (31 Henry I), which had been published by the Record Commission in 1833, from which, we shall find, he cites. He could not use the printed roll of 1 Richard I, for this was only issued, like his own second volume, in 1844.<sup>2</sup> This, however, was of no consequence; for it did not contain any introduction to justify the date assigned to it.

For the purpose of this inquiry the index is of no use; one has to search the author's 'observations' for instances in point. In the second volume, for example, we read (p. lxxvii) that 'Robert de Ros . . . had livery of his land in England 2 Ric. I (1191)'; that in Yorkshire '2 Ric. I (1191)' two men 'were tenants of lands' (p. clxxxv); and, finally (p. cxxxviii) that 'in 2 Ric. I (1191) William le Mareschal gave a fine of 2,000 marks to the king for a moiety of the lands of Walter Giffard'.<sup>3</sup> In all these cases the Pipe Roll is wrongly dated, precisely as is the roll of 1 Richard I (1189), when it is assigned to the year 1190.

My reason for observing that Stapleton 'erred with serious effect' was that he has here misled no less distinguished a scholar than M. Paul Meyer. In his masterly edition of *L'Histoire de Guillaume le Maréchal*<sup>4</sup> that famous medieval scholar followed Stapleton with regard to the marshal's marriage to Isabel, daughter and heir of Richard (son of Gilbert), earl of Pembroke,<sup>5</sup> who died in 1176. Stapleton, as I have shown above, stated that 'in 2 Ric. I (1191) William le Mareschal gave a fine of 2,000 marks to the king for a moiety of the lands of Walter Giffard' (II. cxxxviii—

<sup>1</sup> As a matter of fact, even if the dates in this comment were correct, the bishop might be thus fined for hunting between the end of September and 26 November 1189; for these two months would be within the fiscal year accounted for at Michaelmas 1190.

<sup>2</sup> Stapleton's preface to this volume is dated January 1844.

<sup>3</sup> Owing to the same erroneous reckoning we read of '3 Ric. I (1192)' (p. cxvii); of '6 Ric. I (1195)' (p. lxxvi); and, finally, of an account 'in England 8 Ric. I (1197)' (p. lxxx).

<sup>4</sup> Issued by the Société de l'Histoire de France, 1901.

<sup>5</sup> *Op. cit.* III. lviii n., 100 n., 121 n.

cxxxix).<sup>1</sup> This is the passage cited by M. Paul Meyer. Henry, according to the *Histoire*, had promised to the marshal that great heiress, Isabel de Clare, in May 1189, and Richard, on his father's death, 'lui confirma, gratuitement, le don de la demoiselle de Striguil'.<sup>2</sup> M. Meyer criticizes here the *Histoire's* statement on the ground that 'nous savons que le Maréchal eut à payer, en 1191, pour une partie au moins de ces biens, une somme de deux mille marcs'. Again (iii. 121 n.), we read :

Stapleton dit que Gautier Giffard III étant mort sans enfants (1164), ses terres furent saisies par le roi Henri, mais que, plus tard, en 1191, Guillaume le Maréchal paya au roi Richard un droit de deux mille marcs pour la moitié de cet héritage, spécialement pour les biens sis en Normandie, qu'il recueillit du chef de sa femme, tandis que l'autre moitié, consistant en terres situées en Angleterre, allait à Richard de Clare, comte de Hertford.

Although the facts of this transaction are by no means so clear as could be wished, they are here further complicated by assigning the above payment to '1191'; the Pipe Roll of 2 Richard I, which is cited for them, is that of Michaelmas 1190 (not of 1191) and records the accounts of the twelve months Michaelmas 1189—Michaelmas 1190.<sup>3</sup>

M. Meyer is not the only scholar whom Stapleton has here misled; in his able and valuable study on *The Loss of Normandy* (1913) Professor Powicke has referred three times to the division of the Giffard inheritance and has dated it in each case '1191' (pp. 446 n., 491, 502). Of Stapleton he has written, in his preface: 'I join with Mr. Round in admiration for that great antiquary;' but I hope that the singular persistence of the error which I have here traced to Stapleton may serve as a warning of the caution needed when absolute reliance is placed, without verification, on statements made by antiquaries who were, of course, but the pioneers of modern historical learning.

I have shown above that Stapleton, having made his initial error, was at least consistent in repeating it in the case of other Pipe Rolls of Richard's reign. It was, however, M. Paul Meyer—for Stapleton does not mention it—who was responsible for assigning to a long and notable extract from the *Formulare Anglicanum* (no. cxlii) the date of 1199,<sup>4</sup> clearly on the ground

<sup>1</sup> Stapleton must have derived this information, at that date, from the original roll.

<sup>2</sup> *Histoire*, iii. liv, lviii.

<sup>3</sup> Stapleton does not actually speak of a Pipe Roll, but M. Paul Meyer (*Histoire*, iii. 121 n.) observes that his statement is found 'dans le rôle de la pipe pour la deuxième année du règne de Richard', as indeed was obvious. I shall recur below to this passage. The payment is found, I believe, under Gloucestershire on the roll, on account of the marshal holding the 'Striguil' fief.

<sup>4</sup> 'L'acte est de 1199' (p. 240 n.).

that Madox took it from the Pipe Roll of 10 Richard I<sup>1</sup> (i.e. Michaelmas 1198). This document is of interest for its own sake also. For it recites a *conventio* between Richard and a Jew, Benedict Pernaz of Talemunt, read and recorded on the roll at the exchequer, for which enrolment Richard paid half a mark. Simon de Pateshull, Henry de Winchenton, and Benedict de Talemunt were then acting as justices of the Jews, and they, with Geoffrey Fitz Piers and Philip, bishop of Durham, witnessed the transaction.<sup>2</sup> Richard 'made fine' (*finem feci*) with Benedict for all the claims he had against his wife's father, Hugh de Baious, for a hundred marks, on which, so long as the debt remained unpaid, Benedict was to receive ten marks a year from Richard as interest (*de lucro*), payable at the four quarters of the year. As the first instalment was to fall due at the Christmas next after the election of William de Sainte Mère Église to the see of London (i.e. 16 September 1198), we have further evidence that the date was 1198, as I contend, not 1199. As security for the debt, Richard mortgaged 'Witham' to Benedict, and pledged his faith.<sup>3</sup> This record is also of importance as throwing light on the rate of interest then charged by the Jews.<sup>4</sup>

It is a matter for regret that, after the roll of 1 Richard I (1189), the remaining rolls of his reign are still unpublished. For, in all likelihood, they will afford more original information than those of the closing years of his predecessor's reign. I may perhaps be permitted to illustrate this expectation by at least a single example. Until I drew attention to the fact, our historians for that period appear to have been unaware that a portion of the roll for the following year (2 Richard I) was published in facsimile so far back as 1865.<sup>5</sup> It is true that, in 1903, Sir James

<sup>1</sup> *Histoire*, iii. 239-40 n. M. Meyer here desired to identify Richard de Samford (cf. p. 120, n. 2) who, when he saw, at the battle of Lincoln, that the French began to flee, picked up his wife and galloped off with her before him on the saddle. As it was the sheriff of Lincolnshire who was ordered (in September 1217) to restore to him his lands (*ibid.* p. 239 n.), we need not hesitate to recognize him in the Richard de Samford of a Lincolnshire fine of 10 Richard I (28 January 1198/9) relating to the Bayeux fief (Massingberd, *Lincolnshire Final Concords*, p. 10). Hugh de Bayeux, who is mentioned in this fine and in the *Formulare* (pp. 77-8) document, was an important Lincolnshire baron, then recently deceased, and Richard de Samford's wife was a Maud de Bayeux.

<sup>2</sup> 'Conventio autem haec facta fuit in Curia Regis apud Westm. coram Galfrido filio Petri et Philippo Dunelmensi episcopo et Simone de Pateshull et Henrico de Wichenton et Benedicto Iudaeo de Talemunt.' The three last 'tunc curam habuerunt Iudaeorum'.

<sup>3</sup> 'Hanc conventionem affidavi.' See my *Geoffrey de Mandeville*, app. T (pp. 384-7), for the 'affidatio in manu'. See also another Lincolnshire fine (20 November 1208) in Foster, *Lincolnshire Final Concords* (ii. 333), where we have 'fideliter tenendam affidaverunt'.

<sup>4</sup> See, for this, Davis, *England under the Normans and Angevins*, pp. 272-4, where he cites my *Ancient Charters* (Pipe Roll Soc.), pp. 82-4, for a similar mortgage (1183) to Jews of land, as a security for a debt of 100 marks.

<sup>5</sup> *Facsimiles of National Manuscripts*, part i. M. Paul Meyer was acquainted with it in 1901.

Ramsay used information from this volume,<sup>1</sup> as Mr. Davis also did in his brilliant volume *England under the Normans and Angevins* (1905), but both these historians cited as its source Mr. Archer's *Crusade of Richard I* (1888); and in his preface Mr. Archer expressed his special obligation to myself for informing him of its existence (pp. vii–viii).

Mr. Archer headed this excerpt from the roll: 'Account of the purchase of the ships which went to Jerusalem and of wages paid to the underwritten pilots and sailors of the same for the voyage' (pp. 11–13). Even Stubbs, in spite of his interest in the beginnings of the navy,<sup>2</sup> cannot, from what he has written on the subject, have been acquainted with this evidence.<sup>3</sup> With his usual sagacity, however, he conjectured how the fleet was raised,<sup>4</sup> and the Pipe Roll of 1190 proves that his conjectures were right. The case of a former Chichele professor, Captain Montagu Burrows, R.N., is even more decisive. For in his *Cinque Ports* (1888) he not only asserted that they did not take any part in Richard's crusade, but explained why they could not do so. Their ships, he observed, were too small, and they 'formed in fact a naval militia, a home squadron, the business of which was to guard the narrow seas during the absence of their king'.<sup>5</sup>

As I may not have another opportunity of commenting on the Pipe Roll of 2 Richard I (1190), I would here observe that it records the purchase of '33 ships of the Cinque Ports, two parts<sup>6</sup> of which were bought for the king's use for the transport of his garrison with him to Jerusalem'. As we read of 'a year's pay of 790 captains and sailors, each captain of whom was reckoned at the rate of two sailors', I make these ships' companies to have been composed—assuming that each ship carried but one 'captain'—of thirty-three 'captains' and 724 seamen. This would give us an average crew of a 'captain' and twenty-two men.<sup>7</sup> Captain Burrows relied, for his description of the ships and of their crews,<sup>8</sup> on (1) 'the "Ports Domesday Book"',

<sup>1</sup> *The Angevin Empire*, pp. 282–3.

<sup>2</sup> *Const. Hist.* (ed. 1874), i. 592–4 (§ 162).

<sup>3</sup> As editor of the *Expugnatio Lyxbonensis*, a tract appended to his edition of the *Itinerarium (Memorials of the Reign of Richard I)*, i. cxliv–clxxxii (see also Mr. Hassall's edition of the prefaces to the *Chronicles*, pp. 196, 344), the bishop had a special interest in the subject.

<sup>4</sup> 'Even of the fleet of 1190 a large proportion was in no respect national property: the vessels of transport which composed no small part of it were no doubt hired by the king, or possibly impressed for the occasion . . . it is probably to this crusade that we owe the form of a permanent navy' (*Const. Hist.* i. 593).

<sup>5</sup> p. 81.

<sup>6</sup> i. e. two-thirds.

<sup>7</sup> In strictness, this number would require a total of 726 (not 724) men; the writer is dependent on the figures given in Mr. Archer's book, as he is, at present, confined to the house by illness.

<sup>8</sup> pp. 86–9.

a most valuable record of the early part of Henry III's reign,<sup>1</sup> long lost, except as to certain portions'; (2) an unnamed document of 'a rather later date', when 'each ship had a "rector" or master and a "constable" or boatswain', so that 'the sum total of the officers and crew would amount to 24 in each ship'.<sup>2</sup> The latter record, although unnamed, must be that which was drawn up in 1293 and is printed in the *Red Book of the Exchequer*<sup>3</sup> (1896).

On the Pipe Roll of 2 Richard I (1190) the figures prove that, as wages of war, the seaman received twopence a day, and the 'captain' fourpence. Even on the king's *Esnecca* the men's wages were the same.<sup>4</sup> It will be observed that a ship's complement varied, in 1190, from about twenty-three in the case of the Cinque Ports' ships, to sixty on the king's *Esnecca*. Some of those mentioned on the roll were of intermediate size. I would invite attention to one entry as being, when explained, of quite exceptional interest. Mr. Archer rendered it as 'in pay of one sailor additional in Eustace de Burnes' ship 60s. 10d.' Who was this Eustace? The answer is supplied by a plea of ten years later. In Michaelmas term, 1200, his widow Godeholt<sup>5</sup> sued Susanna de Planez for certain land, as part of the dower settled upon her by Eustace at their marriage. For the ship, however, of which the Pipe Roll speaks, we must turn to other evidence. In the *Red Book of the Exchequer* we find as holders of Kentish serjeanties, William de Bec and Eustace de Burne together.<sup>6</sup> Now in the *Abbreviatio Placitorum*<sup>7</sup> there are records of two pleas relating to 'Limingburne' in Michaelmas term 3 John (1201) and Easter term 4 John, in which William de Bec was impleaded by William de Alding[es] and his wife for a carucate of land therein. William de Bec claimed his portion as a co-heir; but the plaintiffs claimed that the land was impartible, being held by serjeanty, viz. by finding half a ship<sup>8</sup> in the king's service. The case turned chiefly on the old-world legal

<sup>1</sup> According to this document, 'each ship must carry twenty-one men, with a boy'.

<sup>2</sup> p. 88. Have we here an anticipation of the relatively modern system, which provided a 'master' to sail the ship, and a captain to fight her?

<sup>3</sup> pp. ccxxxviii. 714-16.

<sup>4</sup> 'In a whole year's pay of 61 sailors belonging to the king's *Esnecca*, the captain being counted as two, £185 10s. 10d.' This is the formula, which is uniform, and means that the unit was twopence, the captain receiving two units and the 59 seamen one piece. The total pay, therefore, would be £185 10s. 10d., which is the figure given on the roll. On the Pipe Rolls of Henry II the sum of £7 10s. is charged each time that the ship crossed the Channel. This would represent sixty of the above units, payable for a fortnight, &c., in strictness, the 'Quinzaine' (*Quindena*) of fifteen days.

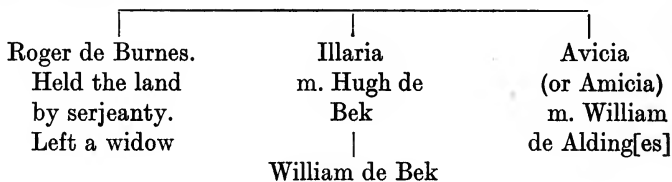
<sup>5</sup> 'Godeholt que fuit uxor de Eustac' de Burnes.' The lady's name was probably identical with Godeheud. The plea is recorded in *Abb. Plac.* p. 28 b. The marginal reference is 'Kanc', though the land was in 'Godalming'.

<sup>6</sup> p. 136. The date assigned is 5 John (1203).

<sup>7</sup> pp. 34 a, 39 b.

<sup>8</sup> 'Scilicet inveniendi dimidium navem in servicium Domini Regis' (p. 34 a).

doctrine that land held by serjeanty was not partible ;<sup>1</sup> but what concerns us here is the ship service.<sup>2</sup> For this office (*ministerium*) was connected with the king's Hastings *Esnecca*, and the family of Bec (or Bek), which held it with the land at 'Burne', gave to that place the distinctive name of Bekesbourne (now, corruptly, Beaksbourne). Here we have the explanation of this 'inland Kentish village', south east of Canterbury, being a (non-corporate) member, under Hastings, of the Cinque Ports, a fact, wrote Captain Burrows, which 'has never been explained'.<sup>3</sup> The pedigree was this :



I have now made good my statement that the above extract from the Pipe Roll of 2 Richard I (1190) remained unknown to our historians, in spite of its value and importance, until I drew attention to it through Mr. Archer's book (1888), although it had been published, in facsimile, so far back as 1865.

There is one point more, at least, for which we are indebted to these naval accounts of 1190. We discover from them that, in that year, the seaman's pay was twopence, and that of the captain fourpence: when we turn to the corresponding accounts for the Cinque Ports ships in 1293,<sup>4</sup> we find that the 'magister' received sixpence and the seaman threepence a day. The pay, therefore, had increased 50 per cent. in 103 years.

As to my special concern, namely, the dating of the rolls, probably the most correct dating is that of Miss Norgate in her *John Lackland* (1902). She has evidently consulted the rolls herself, and has dated them correctly, from p. 26 onwards,<sup>5</sup> down to 'the Pipe Roll of Michaelmas 1194', to which she gives eleven references (p. 52 n.) as that of '6 Ric. I'. It is most singular, therefore, that on p. 54 she should date this roll as 'Pipe Roll 7 Ric. I (1196)'; for this is not only in direct contradiction of the date

<sup>1</sup> See my *Peerage and Pedigree*, i. 118-24.

<sup>2</sup> 'Willelmus [de Bec] dicit quod terra illa est de sergeantia Domini Regis et non debet partiri, et profert cartam Domini Regis H. patris [i.e. Henry II], in qua continetur quod ipse concessit et dedit Hugoni de Becco ministerium de Esnetka [? Esnecca] sua de Hasting quem Rogerus de Burnes frater Illarie uxoris Hugonis de Becco habuit et antecessores sui ante eum . . . et precepit quod idem Hugo habeat et teneat et heredes sui ministerium illud cum terris et omnibus pertinen' in pace etc. sicut unquam antecessores Rogeri plenius etc. tempore H. regis avi' (p. 39 b). These closing words should be compared with those in the Campbell charter xxix. 9, in the British Museum.

<sup>3</sup> *Cinque Ports*, p. 243.

<sup>4</sup> *Red Book*, p. 715.

<sup>5</sup> e.g. '2 Ric. I (1190)', '5 Ric. I (1193)', '1191 (3 Ric. I)'.

given by herself on p. 52, but is an error which has upset her otherwise correct reckoning.<sup>1</sup> In 1848 Foss, whose work on *The Judges of England* is a credit to his patient industry, cited Hunter's edition of the roll of 1 Ric. I (1189) throughout, but always gave its date as '1189-1190'.

From the Pipe Rolls of Richard's reign I turn to the priceless roll of the reign of Henry I. The solitary character of this record made it by far the most difficult of these documents to date; for there was none immediately before or immediately after it. It is now, of course, well known to belong to the year 1130. It was compiled, therefore, at Michaelmas, in the thirty-first regnal year of Henry I (5 August 1130-4 August 1131).

Since the date of this Pipe Roll was determined by Mr. Hunter,<sup>2</sup> that date has not been questioned; but there has been occasional confusion, due to the close (but accidental) resemblance between the dates '1130' and '31 Henry I'. In an appendix to his *William Rufus* (1882) Freeman definitely dated the roll as of '1131' (ii. 674), and even in so recent and so authoritative a work as the *England under the Normans and Angevins* (1905) of Mr. H. W. C. Davis we read:

It is unfortunate that we have only one of the great rolls on which the receipts of Henry's exchequer were entered, and that a roll so late in date as the year 1131 (p. 140).

All those who have cited the roll since its date was determined by Hunter in 1833 have had, of course, the advantage of working with his argument before them. Stapleton, for instance, whose volumes appeared in 1840 and 1844,<sup>3</sup> was careful to give its full citation.<sup>4</sup> Nevertheless, on the same page he gives the date, both in text and foot-note, as '1131'. This date he also gives in at least two other places (I. cv; II. cxxxvi). On the other hand, we find the date of the roll as '1130-1' (II. cliv), and 'the Roll of the Exchequer 31 Hen. I, 1130' (II. clxxxii).

How is it possible to account for all this error and confusion?

<sup>1</sup> Her conclusion was (on p. 52) that 'the decree of the council of Nottingham [31 March 1194] was carried into effect with regard to all John's English and Irish lands; and for the next eighteen months he was, save for his Lordship of Ireland, once more . . . "John Lackland"'. Next year, she writes (p. 54), 'Richard . . . restored to him a portion of his forfeited possessions, . . . the Honours of Gloucester and Eye', and 'this arrangement seems to have taken effect from Michaelmas 1195'. All this is in harmony. Her failure to find 'mention of the honour of Eye or of that of Gloucester in Pipe Roll 7 Ric. I (1196)' is accounted for if she means the roll of 7 Ric. I, which was that of 1195.

<sup>2</sup> In his edition of it, for the Record Commission, in 1833.

<sup>3</sup> Mr. Poole, in his *Exchequer in the Twelfth Century*, p. 18, speaks of 'the masterly observations on the Great Rolls of the Exchequer of Normandy, which Thomas Stapleton prefixed to his edition of the *Rot. Scacc. Norm.* in 1840'. It is of some importance to note that the second volume's date was 1844.

<sup>4</sup> 'Rot. Pip. 31 Hen. I, 1833, 8vo' (II. xxvi n.).



There are, I would suggest, two causes to which it can be probably assigned: the one is the still persistent confusion between the regnal and the fiscal year; the other, I venture to urge, is the unfortunate practice of assigning to the Pipe Rolls a double date. After a scrupulously careful examination of what Hunter has written, I have satisfied myself that he himself thoroughly understood the facts, but that he did not make his meaning sufficiently clear to others.

This is more especially the case in the matter of the double date, and in that of confusion between the regnal and the fiscal year. There is, as I have already said, no introduction to the Pipe Roll of 1 Richard I as printed for the Record Commission, under his care, in 1844; but to the other volume of Pipe Rolls (2, 3, 4 Henry II), issued at the same time, he prefixed a brief preface. It is there that we find the dates which he definitely assigned to the rolls. The passage runs thus:

There are in all four printed volumes of these Rolls; one for each of the early reigns, viz.:

Anno 31 Henrici I, A. D. 1130-1131.

Annis 2, 3, 4 Henrici II, A. D. 1155, 1156, 1157, 1158.

Anno 1 Ricardi I, A. D. 1189-1190.

Anno 3 Iohannis, A. D. 1201-1202.

These dates are reproduced on the respective title-pages and on the paper labels affixed to the backs of the volumes.

The first point to be observed is that the second volume comprises only three regnal, but four calendar, years. This appears to me to be definitely out of harmony with Hunter's own system. I myself should date these rolls 1156, 1157, 1158; for they were certainly compiled at Michaelmas in each of these three years. As to the remaining three volumes, my criticism of the above dates is that they are those of the regnal years within which they were compiled. If this is made clear there need be no confusion; but it is not surprising that, for those who have not mastered the system, the dates may seem to be those of the periods covered by the rolls in question. As a matter of fact, the three rolls were respectively compiled at Michaelmas 1130, 1189, and 1201. Hunter virtually combined in one what were two distinct propositions, namely, (1) that the rolls were cited as those of the regnal years he gives, (2) that these regnal years began and ended (at different dates) in those years.

With regard to the practice of assigning to a Pipe Roll a double annual date,<sup>1</sup> I would strenuously urge that, as it was all com-

<sup>1</sup> See, for instance, *The Red Book of the Exchequer* (ed. Hall), pp. 6-12, 16-134, 648-58 (Pipe Roll of 1 Hen. II), 658-92. These pages illustrate the use of double dates (in the margin). See also extracts from the rolls on pp. 768-9, where, however, the rendering of 'Anno Regis Henrici filii Regis Iohannis ij<sup>o</sup>' as '1200-1' (instead of 1217-18) is, of course, merely a blunder.



piled at one and the same time, viz. Michaelmas, every year, it should be known as of that date, and of that date only. That this would greatly simplify matters and avoid the risk of misconception there can be no question. If the purist should object that this was not the official system of citing the rolls at the time, it is surely sufficient to reply that Stubbs himself regularly cited the famous roll of 1130 as of one date only.<sup>1</sup> More recently, Miss Norgate, when dealing with John's Pipe Rolls, has spoken, most accurately, of 'the treasury roll of 1201' (3 John), 'the Pipe Roll made up at Michaelmas 1199'.<sup>2</sup> Nevertheless, Sir James Ramsay, who has made finance his special study, in his history of the period<sup>3</sup>—and who has examined the rolls for himself—sometimes adopts the double, and sometimes the single, date.<sup>4</sup> It is of importance to observe that the (printed) 'Pipe Roll 3 John', which he has so largely used, is dated by Sir James '1201-1202' (p. 506); for the true date at which it was compiled is Michaelmas 1201, and the period with which it deals is that of the preceding twelvemonth. It is obvious that Sir James derived the date '1201-1202' from those which Hunter, as I have shown above, assigned to the printed rolls. To clinch the matter, we find Sir James, when dealing with the 'Revenues of Henry II, from the Pipe Rolls' (p. 254), citing the roll of '35 Henry II and 1 Rich. I (1188-1189)', and appending a foot-note that 'Mr. Hunter gives the year as 1189-1190, a clear error'. This is decisive proof of my contention above that, although Hunter had grasped the facts, he expressed them so awkwardly as to mislead his readers. Even, we see, an expert on the subject, such as Sir James Ramsay, took him to mean that the dates he gave (1189-1190 and 1201-1202) were those of the rolls themselves.

There is but one writer more whose conclusions have to be considered. On all matters involving chronological knowledge one turns, of course, to the writings of Mr. R. L. Poole. His Ford lectures on 'The Exchequer in the Twelfth Century' (1911) were delivered several years later than the works I have dealt with above, and the passage I quoted from them at the outset is invaluable for the student. Its clearness and its precision are the very qualities required for the right treatment of the subject.

<sup>1</sup> I have noted that in vol. i (ed. 1873) he dates it in at least nine places as of 31 Henry I and in at least eight as of 1130. <sup>2</sup> *John Lackland* (1902), pp. 122-3.

<sup>3</sup> *The Angevin Empire* (1903), pp. 10, 13, 20, 73-4, 251-4, 271-3, 336, 369-73, 390, 504-6.

<sup>4</sup> One has to examine the volume oneself, for the index is insufficient. As to the Pipe Rolls of Richard's reign, we read (p. 369) of 'the first year (1189)', but of 'the year of Richard's accession (1188-1189)' on p. 370. Again, on p. 505 we find the Pipe Roll of 'the ninth year of John (1207-8)', although the year dealt with by that roll ended at Michaelmas 1207. On p. 371 we read of the Pipe Roll 'for the financial year ending at Michaelmas 1193 (5 Rich. I)', which is strictly correct. But why do we read of 'the 5th year (1159)' on p. 252, and of '5th year (1158-1159)' on p. 254?

If I have arrived at any conclusion not wholly in accordance with his own, it is only on matters of detail; and even on these he is far more likely to be in the right than I am. Nevertheless, it is not easy to harmonize what he has written with Hunter's explicit statements on the Pipe Roll of 1130 (31 Henry I). As I ventured to observe when dealing above with the roll of 1189 (1 Richard I), the confusion of the regnal with the fiscal or 'exchequer' year is (or appears to be) at the root of all the trouble. Hunter himself, it seems to me, was guiltless of confusing them; but he has been misunderstood. In its terminal points the regnal year varied, of course, with the accession of every fresh sovereign: the fiscal year always ran from Michaelmas to Michaelmas. Mr. Poole, in the passage I have quoted above, rightly insists that 'it is essential to understand exactly' what is meant by 'a given year of the king's reign' (p. 152), and I agree wholly with his explanation there given. But in the next paragraph (pp. 153-4) he seems to me to have confused the two years. For we find him writing of the roll of 1130 thus:

The earliest pipe roll preserved is that of *the thirty-first year of Henry I*, which was edited by Joseph Hunter in 1833. . . . Hunter in the preface to his edition, which is a model of historical criticism, demonstrated that the year with which it dealt was *the thirty-first year, ending at Michaelmas 1130*.

Of the two phrases that I have here italicized the first refers, it will be seen, to the regnal year of the king; but the second cannot do so. For it was not the regnal, but the fiscal, year that ended at Michaelmas 1130. Moreover, 'the year with which it dealt' was Michaelmas 1129-Michaelmas 1130. My point is that—although the writer had doubtless grasped the facts—he uses here in two senses the phrase 'the thirty-first year' and thus, however unconsciously, misleads his readers.

Hunter, to whom Mr. Poole refers us, is here so lucid in his statement that his meaning cannot be mistaken. What he says is this:

The accompts in the Exchequer are made up to the 29th day of September each year. My position is, that these are the accompts of the year ending in 1130, September 29th (p. xv).

These then are the grounds on which the opinion rests that we have here the accompts from September 1129 to the same month in 1130 (p. xviii).

The difference between this statement and that which I have just quoted from Mr. Poole's book consists, it will be found, in one word only. That word is 'thirty-first', which Mr. Poole has inserted, in his own statement (p. 154), before its closing phrase, 'year, ending at Michaelmas 1130'. Mr. Hunter employs the same phrase, without that word before it. If it had been

omitted by Mr. Poole also, or if he had substituted for it the word 'fiscal' or 'exchequer', there would not have been any difference between the two statements.

The reader must not imagine that this is hypercritical: to insert here 'thirty-first' before the word 'year' involves the proposition that there was a sequence of fiscal as there was of regnal years. Indeed, on the preceding page (p. 153) Mr. Poole himself—when explaining the change of practice in the treatment of arrears after Richard's reign—observes that, under John, '*praeteritus annus* was alone allowed, and the years before that were cited by the Exchequer [*sic*] years of the king'. Now Hunter, to whom he here refers us, observes (p. xi) that the formula in 3 John was 'hoc anno—preterito anno—anno primo—anno decimo—anno nono—the numerals plainly indicating the years of the reign of John and of his predecessor Richard'. Why then does Mr. Poole speak of 'the Exchequer years'? He himself, on the opposite page (p. 152), observes that 'the roll was always cited as the roll of a given year of the king's reign'. Regnal years are easy to date; but how should we date 'Exchequer' years—say, for instance, in the case he gives, 'the first year' of John, or 'the tenth year' of Richard I (p. 153)?

Speaking of the famous passage with which the first book of the Dialogue opens, viz. 'Anno xxiii Regni Regis Henrici Secundi', which he duly renders—'In the twenty-third year of the reign of King Henry II', Mr. Poole observes that 'This gives the year ending, according to the Exchequer rule, at Michaelmas 1177' (p. 8). Is this certain? To me, at least, the author seems to be clearly speaking of the regnal year. This appears also to have been the view of Madox,<sup>1</sup> although I may be mistaken. But what of the words in my foot-note: 'in termino sancti Michaelis xxiiij anni regni sui'? This date is rendered by Mr. Poole as 'at Michaelmas 1178'; but what the Dialogue says is, 'in Michaelmas term' of the twenty-fourth year of the reign. If this was the regnal year (ending 18 December 1178), this term was in October–November 1178, but if the author meant the 'Exchequer' year (ending, says Mr. Poole, 'at Michaelmas'), the Michaelmas term of the twenty-fourth year would be in October–November 1177. This surely would overthrow the very important conclusion that 'either the composition of the work was not finished until after that date, or else the passage is a later insertion' (*Exchequer in the Twelfth Century*, p. 8). Probably Mr. Poole is right, but the point seems to me to be at least worth raising.

J. H. ROUND.

<sup>1</sup> 'Testatur auctor se scribere incepisse anno Regis illius vigesimo tertio' (*Dissertatio Epistolaris* [ed. 1711], p. vii). He also cites the *Dialogus* (i. 8): 'Praeceptum namque Dominus Rex Henricus secundus in termino Sancti Michaelis xxiiij anni Regni sui' (p. 25).

*The 'De Arte Venandi cum Avibus'  
of the Emperor Frederick II*

THE reign of the Emperor Frederick II holds an important place in the transition from medieval to modern culture. Much has been written of the cosmopolitan intellectual life of his court, of its school of poetry as the cradle of Italian vernacular literature, of the philosophers and translators who linked it with the older world. To many it has seemed that it is under Frederick, 'the first modern man upon a throne',<sup>1</sup> rather than in the days of Petrarch, that the real beginning of the Italian Renaissance is to be sought. In any such discussion much depends upon our judgement of the personality of the emperor, that *stupor mundi* of learning whose *superstitiones et curiositates* scandalized contemporaries.<sup>2</sup> All agree as to the extraordinary activity and extraordinary interest of his mind, yet its principal literary product, his *De Arte Venandi cum Avibus*, has been strangely neglected. Mentioned in rather perfunctory fashion by other historians,<sup>3</sup> its significance has been more fully seen by Karl Hampe, who declares that this book must be studied by all 'who wish to learn to know Frederick's method of thinking and working scientifically';<sup>4</sup> yet Hampe devotes but two pages to the treatise, the greater part of which he has not read. The solid volume required for a complete text would need careful examination by the zoologist and the falconer, in relation both to its antecedents and to its additions to the store of theoretical and practical birdlore, and our knowledge of medieval zoology and of

<sup>1</sup> J. Burckhardt, *Die Cultur der Renaissance in Italien* (ed. Geiger, Leipzig, 1899), i. 4.

<sup>2</sup> Salimbene, in *Monumenta Germaniae Historica, Scriptores*, xxxii. 351.

<sup>3</sup> Raumer, *Geschichte der Hohenstaufen* (Leipzig, 1857), iii. 286 f.; Huillard-Bréholles, *Historia diplomatica Friderici Secundi* (Paris, 1859), introduction, pp. DXXXV f.; Ranke, *Weltgeschichte*, viii. 369; Biehringer, *Kaiser Friedrich II* (Berlin, 1912), p. 273; L. Allshorn, *Stupor Mundi* (London, 1912), p. 118. The very brief treatment of the *De arte venandi* is a serious gap in the suggestive article of H. Niese, 'Zur Geschichte des geistigen Lebens am Hofe Kaiser Friedrichs II', in *Historische Zeitschrift*, cviii. 473-540 (1912). For recent materials for the study of the reign, see Hampe, *Deutsche Kaisergeschichte* (Leipzig, 1919), pp. 219 f.

<sup>4</sup> *Historische Zeitschrift*, lxxxiii. 19 (1899).

the earlier literature on falconry<sup>1</sup> is still insufficient to permit these specialists to assign the treatise to its final place. Still, a beginning must sooner or later be made, and the fresh use of manuscript material may enable even a layman to draw certain provisional conclusions concerning the sources and composition of the *De Arte* and the light it throws on the workings of the emperor's mind.

The chief obstacle to a study of the *De Arte Venandi cum Avibus* is the lack of a complete edition. The treatise contains six books, yet only two have been printed, from an incomplete manuscript then in possession of Joachim Camerarius of Nürnberg, and since supposed lost, but now clearly identifiable with MS. Pal. Lat. 1071 of the Vatican. The *editio princeps* of Velsler (Augsburg, 1596), reprinted with a valuable zoological commentary by J. G. Schneider (Leipzig, 1788-9),<sup>2</sup> not only has *lacunae* which correspond to the considerable *lacunae* and the faint and illegible portions of this codex, but it is in places quite careless, so that it does not furnish a satisfactory edition even of this mutilated copy of the first two books. It became the basis of two translations into German,<sup>3</sup> yet, with all the learning lavished on Frederick II by German writers, no one has published a comparison of the different manuscripts or edited a complete and critical text. There are two principal classes of manuscripts :

I. Containing the first two books only, with Manfred's additions :

M. Vatican, MS. Pal. Lat. 1071. Parchment, 111 folios, 360 × 250 mm., written not long after the middle of the thirteenth century, with valuable illustrations in a contemporary hand. The chapters are rubricated but not numbered. The first page, as well as many later pages, has been partly defaced by moisture, and has two holes in the parchment, hence the *lacunae* in the first two pages of the editions. The text breaks off in c. 80 of bk. ii, shortly before the end of the book. As this text contains the additions made by Manfred as king, it falls between his coronation in 1258 and his death in 1266. The considerable *lacuna* between fos. 16 and 17 (bk. i, c. 23), which fills pp. 47-72 of MS. B, existed already in the thirteenth century, since it is found likewise in MS. *m*. (fo. 28). The conclusion of bk. ii was probably also missing when the version of *m* was made, for *m* carries the text no further than the last folio of M and rounds out the sentence with a general phrase. On the other hand, the *lacuna* of

<sup>1</sup> The principal study of this material is by Werth, 'Altfranzösische Jagdlehrbücher nebst Handschriftenbibliographie der abendländischen Jagdlitteratur überhaupt', in *Zeitschrift für romanische Philologie*, xii. 146-91, 381-415, xiii. 1-34 (1888-9), who reviews the important medieval works on falconry without throwing any new light on the work of Frederick II. He overlooks the Vatican MS., mentioned by Seroux d'Agincourt in 1823, by Huillard-Bréholles in 1859, and by Bethmann in 1874 (Pertz, *Archiv*, xii. 350), and makes no advance in relation to the six-book text, first indicated by Jérôme Pichon in 1863 (*Bulletin du Bibliophile*, xvi. 885-900).

<sup>2</sup> In the citations below I have referred to Schneider's text as the more accessible, but all such passages have been collated with the Vatican MS.

<sup>3</sup> By Johann Erhard Pacius, Onolzbach, 1756 : and by H. Schöpffer, Berlin, 1896.

one folio after fo. 58 (ii. 33), not found in *m*, must have been made between c. 1300 and 1596. On the miniatures, see Seroux d'Agincourt, *L'Histoire de l'Art* (Paris, 1823), v, pl. 73 and text; Venturi, *Storia dell'Arte Italiana*, ii. nos. 277 f., iii. nos. 689-98; Graf zu Erbach-Fürstenau, *Die Manfredbibel* (Leipzig, 1910), c. 2. Those on the second page, one of which is reproduced in the Augsburg edition, evidently represent Frederick II on his throne; that on fo. 5<sup>v</sup>, on the margin of Manfred's first addition, is plausibly conjectured by Erbach to represent Manfred. The administration of the Vatican library plans a publication of the whole manuscript in facsimile edition. For this and other information and assistance I am specially indebted to Monsignor A. Pelzer.

M 1. Vienna, Nationalbibliothek, MS. 10948. A sixteenth-century copy, apparently from M, omitting the preface and introduction.

*m*. Paris, Bibliothèque Nationale, MS. Fr. 12400. Parchment, 186 folios, c. 1300, with illustrations. A French translation, made for Jean de Dampierre and his daughter Isabel, probably c. 1290-1300. See *Notices et Extraits des MSS.*, vi. 404; Pichon, in *Bulletin du Bibliophile*, xvi. 894-7 (1863). The text is that of M, including the additions of Manfred; probably the version is based on M itself, for the illustrations of M are followed as well as may be and the same *lacuna* occurs in i. 23; but the text of M had not yet been injured by moisture or by the holes in the first folio. On the miniatures see Vitzthum, *Die Pariser Miniaturmalerei des xiii. Jahrhunderts*, pp. 228 f. (Leipzig, 1907).

*m* 1. Geneva, MS. Fr. 170. Parchment, fifteenth century, with illustrations. Same translation as *m*. See Senebier, *Catalogue Raisonné des MSS.*, pp. 426 f.; Aubert, in *Bibliothèque de l'École des Chartes*, lxxii. 307-9.

*m* 2. Bibliothèque Nationale, MS. Fr. 1296. A different French translation of the second book only. See Pichon, pp. 898 f.

## II. Containing the whole six books,<sup>1</sup> without Manfred's additions:

B. Paris, Bibliothèque Mazarine, MS. 3716. Parchment, 589 pages, early fifteenth century, with remnants of a coat of arms of Anjou-Sicily. P. 589: 'Explicit liber falconum cum quibus venantur.' See Pichon, pp. 888-91. I have a complete rotograph of this manuscript. The illuminations, save for the first page, are confined to a few initials and have nothing in common with those of M and its derivatives. In bk. i B contains (pp. 32-7) after c. 15 a passage on the feeding of birds of prey which is lacking in M, and in c. 23 it enables us (pp. 47-72) to fill the important *lacuna* in the M group. At the close of this book (pp. 139 f.) it repeats c. 54 which it has already on p. 120. In bk. ii it omits the last sentence of the prologue and cc. 1-30, resuming with c. 31 on p. 90 of the edition; it fills (pp. 146-9) the *lacuna* in c. 33; inserts (pp. 256 f.) eight lines at the end of c. 76; and finishes (pp. 277-81) the treatment of hooding in c. 80 left incomplete by the break in M.

<sup>1</sup> The Bodleian MS. Digby 152 (saec. xiv) contains, fos. 42-54<sup>v</sup>, a loose body of extracts comprising a large part of the first half of bk. iii, incorporated as bk. iv of a treatise of which the lost third book dealt with the subject of Frederick's second, even taking over Frederick's reference to his own second book (fo. 42<sup>v</sup> = MS. B, p. 282). As this manuscript begins with the fourth book of the treatise and breaks off in the middle (= MS. B, p. 323), further comparison is impossible.

C. University of Valencia, MS. 402. Parchment, 238 folios, fifteenth century, with the arms of Aragon-Sicily. Attributed in a hand of the eighteenth century to Thomas of Capua (!). See Marcelino Gutiérrez del Caño, *Catálogo de los Manuscritos existentes en la Biblioteca Universitaria de Valencia* (Valencia [1915]), i. 154 f., with a facsimile of the first page which shows a text identical with B.

D. Rennes, MS. 227, paper, 404 folios, fifteenth century: 'Liber falconum cum quibus venantur.' With chapter headings throughout and a table of contents at the close, fos. 389-404; text as in B.

E. Bologna, University Library, MS. Lat. 419 (717). See *Studi Italiani di Filologia Classica*, xvi. 254.

F. MS. formerly in possession of Baron Pichon, from whose library it passed in 1869 to M. Giraud de Savine. See *Bulletin du Bibliophile*, xvi. 891-3. Closely related to B. Copy executed for Astorre Manfredi of Faenza, probably Astorre II (†1468).

The two families of manuscripts thus correspond to two editions. The first or two-book family is Manfred's edition, with the additional matter which he discovered as well as with notes of his own. The second or six-book family was not thus revised and supplemented, but it fills the *lacunae* in books i and ii. Whether Manfred revised the last four books also is a question which cannot be answered from the manuscripts so far examined. The fact that the French versions likewise contain but two books shows that a two-book text was in circulation in the thirteenth century, and lends probability to Pichon's hypothesis<sup>1</sup> that Manfred's revision did not extend to the later books.

So far as they can be identified, Manfred's additions are of two sorts. One group, consisting of his own practical observations, is brief and relatively unimportant,<sup>2</sup> their brevity not appearing in the edition, where their beginning is marked by 'Rex', 'Rex Manfredus', or 'addidit Rex', but the end of the passage is not indicated. Collation with the text of the second family shows that these are ordinarily but a few lines in length.<sup>3</sup> A good example runs as follows:

Sunt et alie rationes quas Manfredus rex Sicilie, quondam divi Augusti imperatoris huius libri auctoris filius, addendas providit cum librum ipsum coram se legi mandavit. Cum aves omnes tam aquatice et medie

<sup>1</sup> *Bulletin du Bibliophile*, xvi. 887.

<sup>2</sup> They are less important than is supposed by Helene M. Arndt, *Studien zur inneren Regierungsgeschichte Manfreds* (Heidelberg, 1911), pp. 152 f.

<sup>3</sup> Besides those given above in the text, Manfred's glosses are in the edition as follows: i. 4 'Causa . . . rationabiliter' (26 lines); i. 53 'Inter modos . . . semper in aquis' (18 lines); i. 54 'Preterea aves . . . ut dicit Philosophus in libro celi et mundi' (8 lines); ii. 15 'Necessitas . . . pascuntur' (6 lines); ii. 53 'Amplius . . . falconum' (10 lines); ii. 59 'Et si in hoc . . . inquietat se' (18 lines); ii. 69 'Dimittens falconum . . . portandus' (3 lines). The following also appears in the Vatican text (fo. 40v), but not in the edition: 'REX. Nam tunc . . . motu' (i. c. 54, ed. Schneider, p. 60).

quam terrestres tantum laborent pro acquirendo cibo, eundo redeundo et stando super pedes fatigantur valde, sed, nocte veniente qua quiescere consueverunt, cum stando pedes quiescere volunt vicissim aliquando super uno pede aliquando super alio quiescunt, sicut accidit fixis animalibus ambulabilibus dum quiescere volunt stando super pedes, quandoque super uno pede quandoque super altero quiescunt.<sup>1</sup>

A more important class of additions is found in two passages where Manfred uses indications or material left by his father. One of these is c. 60 of book ii, a long chapter which, beginning as follows, shows that the original contained marginal directions for later additions :

REX : Cum non contineretur in hoc libro qualiter falco deciliatus poni debeat ad sedendum in pertica et levari ab ea et de diverberationibus et lesuris que possent in ea contingere, sed esset in margine eius scriptum quod addi deberet presens capitulum, tanquam necessarium prelibatis documentis de falconibus editis, prout melius expedire vidimus duximus inserendum.<sup>2</sup>

A longer passage in ii. 18, explaining the insertion of ii. 1-30, shows that the original codex left spaces blank, and that loose notes and drafts were also left by the author :

REX : Cum sepe legeremus et relegeremus hunc librum ut fructum scientie caperemus et ne vitio scriptoris aliquid remanserit corrigendum, finito prohemio invenimus quod dominus pater noster subsequenter ordinaverat capitulum istud primo inter alia capitula, videlicet de modis quibus habentur falcones ; tamen inter capitulum istud et prohemium erant carte non scripte, quibus repertis existimavimus aliquod aliud capitulum obmissum fuisse quod scribi debebat in eis. Post spatium vero temporis, dum quereremus quaternos et notulas libri istius, eo quod videbamus ipsum ratione scriptoris correctione egere, invenimus in quibusdam cartulis quoddam capitulum intitulatum de plumagio falconum, quo capitulo docebantur differentie falconum per membra et plumagia ipsorum. Nos autem rememorantes dubietatis quam habuimus cum perlegendo librum pervenimus ad capitulum predictum quod prohemium sequebatur, ubi credebamus aliquem fuisse defectum propterea quod cartas non scriptas videramus ibidem, visum fuit nobis quod capitulum de forma membrorum et plumagio falconum illic locari debebat, eo quod capitulum de cognoscendis falconibus capitulum de habendis ipsis precedere debet et quod ignota et incognita, si querantur, reperiri non possunt (quia quod est incognitum qualiter reperitur ?), et si accidit inveniri, non est ratione scientie sed fortune. Propter quod, ut inventoris intentio non frustretur et avem unius speciei loco alterius non acquirat, vidimus preponendum esse capitulum quo docetur qualiter cognoscantur falcones et in quibus conveniant et differant ratione plumagii et membrorum, capitulo quo docetur qualiter habeantur.<sup>3</sup>

<sup>1</sup> MS. M, fo. 8v ; Schneider, p. 13.

<sup>2</sup> MS. M, fo. 90v ; Schneider, p. 140.

<sup>3</sup> MS. M, fo. 52v ; Schneider, p. 82 ; translated by Pichon, p. 890, who (p. 898) also gives the text of *m* and *m* 2.



Another important addition to the text of the *De Arte* may be due to Manfred, namely the remarkable illustrations found in the two-book family, but absent from all manuscripts of the second family so far examined. This attribution is perhaps strengthened if we accept Erbach's identification of Manfred with a figure in the Vatican codex, and the close parallelism which he finds with the illuminations of the Manfred Bible.<sup>1</sup> Nevertheless, while the figures in their present form date, like the earliest manuscript, from Manfred's time, I do not believe that he first introduced them into the margin of the text, which it appears from his own words he scrupulously respected as his father's work. We know from Richard of San Germano that Frederick could draw, designing with his own hands the towers of Capua,<sup>2</sup> and it is probable that he at least gave the directions for these illustrations which are almost a part of the text. Probably they were omitted from the unrevised archetype of the six-book family. Whether due to Frederick or to Manfred, these illustrations constitute a document of the very first importance for the scientific observation and the artistic skill of their age. They must be studied in the Vatican codex,<sup>3</sup> save where others of the same family supply missing or injured figures,<sup>4</sup> and few pages lack such embellishments. The figures of the seated emperor and of one who is probably Manfred are Byzantine in pose and treatment, and the background of architecture and landscape shows little advance on the art of the *Exultet* rolls; but while the grouping is conventional and quite lacking in perspective, the drawing of birds is extraordinarily lifelike. There are in all more than nine hundred figures of individual birds, not only falcons in various positions, with their attendants and the instruments of the art, but a great variety of other birds to illustrate the general matter of the first book. Brilliant in colouring, the work is accurate and minute, even to details of plumage, while the representation of birds in flight has an almost photographic quality which suggests similar subjects in modern Japanese art. Whatever degree of Saracen influence the treatment may show,<sup>5</sup>

<sup>1</sup> *Die Manfredbibel*, c. 2.

<sup>2</sup> 'Quod ipse manu propria consignavit': *Monumenta Germaniae Historica, Scriptores*, xix. 372; cf. E. Bertaux, *L'Art dans l'Italie Méridionale*, i. 717; H. W. Schulz, *Denkmäler der Kunst in Unteritalien* (Dresden, 1860), ii. 167.

<sup>3</sup> For references to reproductions, without colours, see p. 336 above. Venturi, *Storia dell'Arte Italiana*, iii. 758-68, gives some account of the colouring.

<sup>4</sup> As on fo. 96 of *m*, which corresponds to the *lacuna* between ff. 58 and 59 of *M*.

<sup>5</sup> Venturi suggests the influence not only of Saracen art but of the Vienna MS. of Dioscorides (facsimile edition, Leyden, 1906), but its drawings of birds (fos. 474-83v) show no close resemblance to those in the Vatican codex. Erbach, *Die Manfredbibel*, pp. 1, 47-52, finds parallels with the illuminations of the Manfred Bible. In the face of the close agreement of the illustrations in *M* and *m*, the difference of treatment

these illustrations rest upon a close and faithful study of bird life, and thus form an essential part of the work which they accompany.

Whatever the occasion for the separate preservation of the first two books, the six books of the *De Arte* form a unit. After an introductory chapter on falconry as the noblest of arts, a subject for elaborate debate on the part of later writers,<sup>1</sup> the first book is a general treatise on the habits and structure of birds. Book ii then deals with birds of prey, their capture and training. The third book explains the different kinds of lures and their uses. The three remaining books describe, in parallel fashion, the practice of hunting cranes with gerfalcons (iv), herons with the sacred falcon (v), and water birds with smaller types of falcons (vi). The style and manner of treatment are the same throughout. There are also several cross references. Thus the first book refers to the second and others,<sup>2</sup> the second to those which follow.<sup>3</sup> The preface to the second gives the plan of the later books.<sup>4</sup> Book ii. 71 refers forward to the book on gerfalcons.<sup>5</sup> The opening of the third book refers to the preface.<sup>6</sup> Book iv refers back to book i,<sup>7</sup> and repeats an interesting observation already made in the earlier book.<sup>8</sup> Book v refers also to book i.<sup>9</sup>

Nevertheless it is also apparent that we have not the complete work as the author planned it, probably not even as he executed it. Besides the subjects actually treated in the following books, the preface to book ii promises an account of the care of birds during moulting and of the treatment of their diseases.<sup>10</sup> None

noted by Erbach in his figures 14 and 15 does not seem to me sufficient to indicate the derivation of *m* from another original than *M*.

<sup>1</sup> Cf. Werth, *Zeitschrift für Romanische Philologie*, xii. 391 f.

<sup>2</sup> 'De horum autem falconum et accipitrum modis plenius et evidentius manifestatur in secundo tractatu et aliis in quibus nostra intentio per se super eos descendit,' MS. B, pp. 34 f.

<sup>3</sup> 'In hoc tractatu secundo et in ceteris accedemus,' MS. M, fo. 45v; MS. B, p. 140; the edition (Schneider, p. 69) omits 'et in ceteris'. *Liber* is regularly used of the work as a whole, and *tractatus* of the individual books which compose it; but MS. B, p. 282, has 'ut in 2<sup>o</sup> libro huius operis diximus'.

<sup>4</sup> MS. M, fo. 46v; MS. B, pp. 142 f., ed. Schneider, p. 70.

<sup>5</sup> 'Dicitur plene in tractatu de venatione girofalconis ad grues,' MS. M, fo. 98; MS. B, p. 241, ed. Schneider, p. 152. Note that this remains in the two-book text.

<sup>6</sup> 'Intentio nostra ita ut in principio diximus est docere venationes quas faciunt homines cum avibus rapacibus ad predandum non rapaces,' MS. B, p. 281.

<sup>7</sup> 'Ut dictum est in capitulo de reditu avium,' MS. B, p. 359. Cf. the reference to bk. iv on cranes in i. 55 (MS. M, fo. 42, ed. Schneider, p. 64).

<sup>8</sup> MS. B, pp. 54 f., repeated p. 361. See the passage below, p. 343.

<sup>9</sup> 'Nidificant autem in canetis paludum et in arboribus prope aquas ut in primo tractatu dictum est,' MS. B, p. 440, where the reference is to the treatment of nesting on pp. 60 ff., where there is a *lacuna* in *M* and the editions.

<sup>10</sup> 'Quedam in conservando sanas etiam quando iam mutant pennas, ut domuncula que dicitur muta, et plumas et multe medicinarum, quedam in curando egrotas ut ipse medicine et vasa necessaria ad dandum ipsas medicinas; de singulis horum instrumentorum dicitur ubi conveniet,' MS. M, fo. 46v; MS. B, p. 143, ed. Schneider, p. 70.

of this is found in the six-book text, although it was common in works on falconry. There are also specific references in the text<sup>1</sup> to a subsequent discussion of moulting which does not appear. Moreover the author three times promises a book on hawks, which was evidently to be a separate work.<sup>2</sup> Now Albertus Magnus cites the *experta Frederici imperatoris* on the care of hawks,<sup>3</sup> as well as a passage on black falcons<sup>4</sup> which cannot be found in the present text, and in each case he refers at the same time to the *dicta* of King Roger's falconer, William, of whom we shall have more to say. Possibly there are still discoveries of Frederician material to be made in these directions. In view of Manfred's statement about blank pages and loose notes, it is quite probable that the emperor's work did not reach a final official form, a conclusion which would agree with the troubled character of Frederick's later years and the suddenness of his death. A separate treatise on other forms of hunting which he promised after the completion of this<sup>5</sup> was probably not written, if indeed it was ever begun.

That Frederick himself was the author can no longer be doubted. Apart from the citations by Albertus Magnus<sup>6</sup> and the specific mention by Nicholas of Iamsilla,<sup>7</sup> we have the explicit words of Manfred mentioning *dominus pater noster* as the author, as well as the reference to himself in the third person as *imperatoris huius libri auctoris filius*.<sup>8</sup> Furthermore, Frederick appears as the author in the preface, as printed below, and in the further prefatory matter.<sup>9</sup> If he did not actually write the book with his own hand, he at least directed its composition and dictated the greater part of its substance.

<sup>1</sup> MS. M, fo. 45; MS. B, p. 138, ed. Schneider, p. 68. Also the following from bk. iii: 'dicemus infra quando dicemus de muta et de omni eo quod convenit mutationi,' MS. B, p. 324.

<sup>2</sup> MS. M, fos. 49, 57, 58<sup>v</sup>, ed. Schneider, pp. 75, 89, 92.

<sup>3</sup> *De Animalibus*, xxiii, c. 40, par. 20 (*Opera*, ed. Paris, 1891, xii. 477). Stadler's new edition of the *De Animalibus* from the original Cologne MS. (*Beiträge zur Geschichte der Philosophie des Mittelalters*, xv, Münster, 1916 ff.) has now reached this point (p. 1481).

<sup>4</sup> *Ibid.* par. 10, ed. Stadler, p. 1465.

<sup>5</sup> 'De reliquis vero venationibus precipue de illis in quibus nobiles delectantur vita comite post complementum huius operis dicetur a nobis,' MS. M, fo. 3, ed. Schneider, p. 4.

<sup>6</sup> *De Animalibus*, xxiii, c. 40, pars. 10, 20, ed. Stadler, pp. 1465, 1478, 1481.

<sup>7</sup> 'Ipse quoque imperator de ingenti sui perspicacitate, que precipue circa scientiam naturalem vigeat, librum composuit de natura et cura avium in quo manifeste patet in quantum ipse imperator studiosus fuerit philosophie,' Muratori, *Scriptores*, viii. 496.

<sup>8</sup> *Supra*, pp. 337 f.

<sup>9</sup> 'Actor est vir inquisitor et sapientie amator divus Augustus Fredericus secundus Romanorum imperator Ierusalem et Sicilie rex. . . . Libri titulus talis est, Liber divi Augusti Frederici secundi Romanorum imperatoris Ierusalem et Sicilie regis de arte venandi cum avibus,' MS. M, fo. 1<sup>v</sup>, ed. Schneider, p. 2.

That the *De Arte* belongs to the later years of Frederick's reign is also clear. He tells us in the preface that he had had it in mind for about thirty years, and had completed it at the urgent request of Manfred, to whom it is dedicated.<sup>1</sup> Manfred, born in 1232,<sup>2</sup> could hardly have been much interested in such a book before the age of, say, twelve, which would bring us to 1244, even if we allow that Frederick's own precocity<sup>3</sup> might have started the idea of the book in his own mind some years before 1214, when he reached the age of twenty. In 1241 the author was still gathering material, as we see from the translation in that year, under his supervision, of the Arabic treatise of the falconer Moamyn rendered into Latin by Theodore the interpreter.<sup>4</sup> The *De Arte* can safely be assigned to the period c. 1244–50, with a preference for the later years, because of its unfinished character at certain points and the revision which Manfred found necessary after his father's death. Either 1247 or 1248 has been suggested,<sup>5</sup> because of the troubles of the following years, but I incline to 1248 or the subsequent years, when Manfred was fully grown and the emperor sojourned in the neighbourhood of Apulia, to which the treatise especially relates.

The local allusions refer almost wholly to Apulia, where the emperor's correspondence shows that many of his falcons were kept.<sup>6</sup> It must be said that such allusions are rare: the form of the treatise is general and scientific, with little illustrative detail and no hunting stories. Only twice does he mention his experiences in the East, once in connexion with the flight of Syrian doves,<sup>7</sup> and again apropos of the Arabian methods of hooding falcons which he introduced into the West under the guidance of oriental falconers.<sup>8</sup> When he wants to test the incubation of ostrich eggs by the sun's heat, he has experts brought from Egypt to Apulia:

Et hoc vidimus et fieri fecimus in Apulia, vocavimus namque ad nos de Egipto peritos et expertos in hac re.<sup>9</sup>

<sup>1</sup> See the preface printed below, p. 343.

<sup>2</sup> On Manfred's youth see Böhmer-Ficker, *Regesta Imperii*, nos. 4632 b–h, and A. Karst, *Geschichte Manfreds* (Berlin, 1897), p. 1, who discuss the question of his legitimacy. If his formal legitimation could be established and dated, it might perhaps furnish a *terminus post quem* for the dedication.

<sup>3</sup> See the letter describing him as a youth c. 1207 published by Hampe, *Mitteilungen des Instituts für österreichische Geschichtsforschung*, xxii. 597.

<sup>4</sup> See below, p. 348.

<sup>5</sup> Pichon, *ubi supra*, p. 886.

<sup>6</sup> Böhmer-Ficker, *Regesta*, nos. 2589, 2668, 2705, 2749, 2801, 2807, 2814. See below, p. 354.

<sup>7</sup> MS. M, fo. 39; MS. B, p. 124, ed. Schneider, p. 60. It is not expressly stated that the emperor saw these in the East, but this seems probable.

<sup>8</sup> MS. M, fo. 104v; MS. B, p. 258, ed. Schneider, pp. 162 f.; *infra*, p. 350.

<sup>9</sup> MS. B, p. 67; lacking in M and the editions.

Pelicans are called *cofani* in Apulia.<sup>1</sup> Young birds should be protected especially against the south winds,<sup>2</sup> a precaution necessary in Frederick's dominions only in the land of the sirocco. One passage brings us more specifically to that region of the Capitanata where Frederick's favourite castles lay :

In quadam regione Apulie plane que dicitur Capitanata in tempore reditus gruum capte sunt iam grues cum girofalcis, falconibus et aliis avibus rapacibus, que erant sanguinolente in plumis et pennis sub alis et in lateribus et erant adeo debiles quod vix poterant volare et aliquae de talibus iam fuerunt capte manibus hominum, cuius rei simile non audivimus in aliis regionibus visum fuisse.<sup>3</sup>

The purpose and method of the treatise can best be seen from the preface, where, planning the first comprehensive and finished work on the subject, he declares his independence of Aristotle on the ground that the philosopher had little or no practice in falconry, and indicates his own reliance on experience and the results of long inquiry among experts brought from a distance. Fragmentary and corrupt in the edition, the preface reads as follows :<sup>4</sup>

*Liber divi Augusti Frederici secundi Romanorum imperatoris, Ierusalem et Sicilię regis, de arte venandi cum avibus*<sup>5</sup>

Pre[sens opus ag]gredi<sup>6</sup> nos induxit et<sup>7</sup> insta[ns tua pe]tito, fili karissi[me Man]fride,<sup>8</sup> et ut removeremus errorem plurium circa presens negocium qui sine arte hiis<sup>9</sup> que artis erant in eodem negocio abutebantur imitando<sup>10</sup> quorundam libros mendaces et insufficienter compositos de ipso, et ut relinqueremus posteris artificiosam traditionem de materia huius libri. Nos tamen, licet proposuissemus ex multo tem[pore ante] componere presens [opus, dis]tulimus fere per trig[inta a]nnos propositum in scripto redigere, quoniam non putabamus nos extunc sufficere neque

<sup>1</sup> 'Pellicani qui ab Apuliensibus dicuntur cofani,' MS. M, fo. 3<sup>v</sup>, ed. Schneider, p. 6. 'Pellicani quos quidam in Ytalia dicunt cofanos,' MS. M, fo. 6, ed. Schneider, p. 9.

<sup>2</sup> MS. M, fo. 58<sup>v</sup>, ed. Schneider, p. 92. Cf. Moamyn (MS. Corpus 287, fo. 48<sup>v</sup>), 'Domus non sit aperta a parte austri'.

<sup>3</sup> MS. B, p. 361; repeated from pp. 54 f.

<sup>4</sup> The text is based on MS. M, with the portions in brackets filled in from B, C, and D. I have not included the introductory matter which follows, since it appears sufficiently in the editions.

<sup>5</sup> There is no heading in the manuscripts, but the title is given in the introductory matter which follows the preface proper: 'Libri titulus talis est, Liber divi Augusti Frederici secundi Romanorum imperatoris, Ierusalem et Sicilię regis, de arte venandi cum avibus divisivus et inquisitivus ad manifestationem operationum nature in venatione que fit per aves.' So M, fo. 1<sup>v</sup>. The edition omits all after 'avibus'. B and D omit 'de arte venandi cum avibus'. C has further at the end of i, c. 1 'Divi Augusti Federici secundi Romanorum imperatoris, Ierusalem et Sicilię regis, super librum de avibus et aucupando prologus explicit'.

<sup>6</sup> *agendi*, B C D.

<sup>7</sup> om. B C D.

<sup>8</sup> *vir clarissime M.S.*, B C D, the last letter blotted in C. *m* has *Tres chiers filz Manfroi*. The edition omits everything to this point.

<sup>9</sup> *habentes*, ed.

<sup>10</sup> *in imitando*, C.

[I]egeramus umquam aliquem precessisse qui huius libri materiam complete tractasset,<sup>1</sup> particule vero aliquot ab aliquibus per solum visum scite<sup>2</sup> erant et inartificialiter tradite. Ideo<sup>3</sup> multis temporibus cum sollicitudine<sup>4</sup> diligenter<sup>5</sup> inquisivimus ea que huius artis erant, exercitantes nos mente<sup>6</sup> et opere in [eadem] ut tandem sufficeremus redig[ere in librum] quicquit nostra [experientia aut ali]orum didicerat,<sup>7</sup> [quosque<sup>8</sup> erant ex]p[er]ti circa[praticam huius artis] non sine magn[is dispendi]is ad nos vocavimus<sup>9</sup> de longinquo vocatosque [undecumque] nobiscum habuimus, deflorando<sup>10</sup> quicquid melius noverant<sup>11</sup> eorumque dicta [et facta] memorie<sup>12</sup> commendando. Qui quamvis arduis et inexplicabilibus fere nego[ciis] perse[pe] prepediti essemus circa regnorum et imperii regimina, tamen hanc nostram intencionem [predi]ctis<sup>13</sup> negociis non postposuimus. [In scri]bendo etiam<sup>14</sup> Aristotilem<sup>15</sup> [ubi oportui]t secuti sumus, in<sup>16</sup> pluribus enim sicut experientia didicimus maxime<sup>17</sup> in naturis a[vium] quarundam<sup>18</sup> discrepa[re] a veritate [videtur. Propter hoc] non sequi[mur] principem philosophorum in omnibus, raro namque aut nunquam] venation[es avium] exercuit], sed nos semper [dileximus] et exercuimus. De multis vero que narrat in libro animalium dicit quosdam sic dixisse, sed id quod quidam sic dixerunt nec ipse forsan vidit nec dicentes viderunt, fides enim<sup>19</sup> certa non proven[it] ex auditu. Quod vero multi multos [libros] scripserunt et non nisi [quedam de arte], signum est artem ipsam pluri[mum] esse diffi-]cilem et<sup>20</sup> ad[huc] diffusam]. Et dicimus quod aliqui nobiles minus negociosi nobis si huic arti attente ope[ram] exhibebunt cum adiu[torio] huius libri [poterunt meliorem com]ponere, assidue siquidem nova et difficilia emergunt circa negocia huius artis. Rogamus autem unumquemque nobilem huic libro ex sola sua<sup>21</sup> nobilitate intendere debentem<sup>22</sup> quod<sup>23</sup> ab aliquo scientiarum perito ipsum legi faciat et exponi, minus benedictis indulgens. Nam cum ars habeat sua vocabula<sup>24</sup> propria quemadmodum et cetera artium et nos non inveniremus in gramatica Latinorum verba convenientia in omnibus, [app]osuimus illa que magis videbantur esse propinqua<sup>25</sup> per que intelligi possit<sup>26</sup> intentio nostra.

For the composition of the *De Arte* three kinds of sources were available : systematic works on natural history and related fields of science, notably Aristotle's *De Animalibus Historia* ; practical treatises on falconry ; and the direct observation and personal inquiries of the author. Let us examine them in this order :

. 1. Aristotle, says the preface, is followed where required (*ubi oportuit*). He is frequently cited in the first or general

<sup>1</sup> *completere tentasset*, ed.

<sup>2</sup> So B C D. *Sicut*, M.

<sup>3</sup> So B C D. *Immo*, M. *Et pour ce*, m.

<sup>4</sup> *et studio*, insert B C D.

<sup>5</sup> *diligenti*, B C D.

<sup>6</sup> *in ea*, ed.

<sup>7</sup> *diderat*, B D.

<sup>8</sup> *quos quod*, ed.

<sup>9</sup> *venientes*, ed.

<sup>10</sup> *denotando*, ed.

<sup>11</sup> *noverint*, ed.

<sup>12</sup> *memoriter*, ed.

<sup>13</sup> *predicta*, M. *presentis negocii*, B C D.

<sup>16</sup> om. ed.

<sup>14</sup> *contra*, B C D.

<sup>15</sup> *artem*, ed.

<sup>17</sup> *maximorum*, ed.

<sup>18</sup> *quarundam avium*, B C D.

<sup>19</sup> *est*, B C D.

<sup>20</sup> om. C.

<sup>21</sup> *sua sola*, C.

<sup>22</sup> Here the facsimile of C ends.

<sup>23</sup> *qui*, ed.

<sup>24</sup> om. D.

<sup>25</sup> *propinqua esse*, B D.

<sup>26</sup> *posset*, B D.

book, sometimes by name only,<sup>1</sup> sometimes specifically as the author of the *Liber Animalium*.<sup>2</sup> Once the reference is merely to a *Liber Animalium* which seems to be Avicenna's commentary on Aristotle.<sup>3</sup> In the Arabic tradition of the middle ages the *Liber Animalium* comprised the three Aristotelian treatises, *De Animalibus Historia*, *De Partibus Animalium*, and *De Generatione Animalium*, in all nineteen books. Translations of the Arabic text and of Avicenna's commentary had been made for Frederick II by Michael Scot,<sup>4</sup> and it is probably in this form that the emperor was acquainted with Aristotle's writings on natural history, for while his references can ordinarily be identified in the *De Animalibus Historia*,<sup>5</sup> not all of them can be made to square with the Greek text.<sup>6</sup> Doubtless Aristotle was used in other places where he is not cited, but Frederick's treatment is independent, and is much fuller than it could be made by the amplest use of ancient authorities, including Pliny, who is mentioned by name but once.<sup>7</sup> Thus one may compare the brief treatment of migration by Aristotle<sup>8</sup> with the account in the first book of the *De Arte*,<sup>9</sup> which uses Aristotle but treats the subject far more amply with the aid of personal observation. Schneider, the learned commentator of Aristotle and Frederick II, declares that the emperor's description of down and feathers is

<sup>1</sup> Ed. Schneider, pp. 5 f., 8, 13, 16, 24, 25, 31, 72 f.; *infra*, p. 346.

<sup>2</sup> *Ibid.* pp. 5, 6, 8, 43.

<sup>3</sup> 'Oculi sunt instrumenta visus, de quibus quare sint duo, quare in prora capitis locati, et quare altius instrumentis aliorum sensuum, et quomodo constant ex tribus humoribus septem tunicis, dictum est in libro animalium,' MS. M, fo. 19, ed. Schneider, p. 29, who points out (i. p. xvi; ii. 17) that this is not found in Aristotle. A long passage deals with these matters in Michael Scot's translation of Avicenna, *De Animalibus*, xiii, c. 8, fo. 32<sup>r</sup> of the printed text (Hain 2220\*); copy in the Library of the University of Michigan); cf. the *Canon of Avicenna*, iii. 3. 1, 1, whence the passage is taken by Albertus Magnus, *De Animalibus*, i. 2, 7 (ed. Stadler, i. 73). In general the *De Arte* has little in common with Michael Scot's version of Avicenna.

<sup>4</sup> A. Jourdain, *Recherches Critiques sur les Traductions Latines d'Aristote* (Paris, 1843), pp. 129-34, 327-49; M. Steinschneider, *Die hebräischen Uebersetzungen des Mittelalters* (Berlin, 1893), pp. 478-83; J. Wood Brown, *Michael Scot* (Edinburgh, 1897), c. 3; Dittmeyer, preface to Teubner edition of the *De Animalibus* (1907), pp. xix-xxi; G. Rudberg, in *Eranos*, viii. 151-60, ix. 92-128; H. Stadler, *Albertus Magnus de Animalibus*, p. xii; M. Grabmann, 'Forschungen über die lateinischen Aristotelesübersetzungen des XIII. Jahrhunderts', in *Beiträge zur Geschichte der Philosophie des Mittelalters*, xvii. 185 ff. (Münster, 1916).

<sup>5</sup> Thus p. 5 in Schneider's edition = *H. A.* viii. 2; p. 6 = viii. 12; p. 13 = i. 1; p. 16 = ix. 34; p. 24 = viii. 12; p. 25 = ix. 10.

<sup>6</sup> Thus in the passage printed below, p. 351, Aristotle is made to say that no one has seen a vulture's nest (*Hist. Animal.* ix. 11); but he elsewhere says specifically that nests have been seen (vi. 5). Nor does Aristotle say (ix. 10) that the leader of cranes is permanent, as the *De Arte* asserts (p. 25). I have not been able to compare the text of Michael Scot's translation.

<sup>7</sup> Schneider, p. 73.

<sup>8</sup> *Hist. Animal.* viii. 12.

<sup>9</sup> cc. 16-23, ed. Schneider, pp. 19-26, with the following *lacuna* filled in from MS. B, pp. 47-56.

the most careful he knows,<sup>1</sup> and one has only to read the first book to see that much of it rests upon minute and varied observation. As a matter of fact, Aristotle is cited mainly where the author disagrees with him and seeks to correct him from personal experience: *non sic se habet*.<sup>2</sup> The Stagyrite is evidently viewed as a man of books, to whom the reader may be referred for learned detail,<sup>3</sup> but who has little or no practical knowledge of falcons and relies too much on hearsay.<sup>4</sup> To the author he is plainly not 'the master of them that know' birds. Nowhere does Frederick's emancipation from tradition and authority stand out more clearly than in his attitude towards Aristotle.<sup>5</sup>

With the exception of Aristotle there are few specific citations, and an examination of the literary sources would require a wide range of reading, especially in the scientific literature of the Arabs. As regards general scientific knowledge, the author follows the traditional division into climates, the third, fourth, fifth, and sixth climates being called *nostrae regiones*.<sup>6</sup> Outside the Mediterranean he mentions *Britannia que vocatur Anglia*,<sup>7</sup> and Iceland, the home of the gerfalcon, between Norway and Greenland.<sup>8</sup> The *Aphorisms* of Hippocrates are cited in one passage.<sup>9</sup> In mathematics he is acquainted with the nature of tangents<sup>10</sup> and the *figura quam geometre dicunt pyramidalem*.<sup>11</sup> He fixes his seasons specifically by the progress of the sun through the zodiac.<sup>12</sup> His terminology and arrangement, as in the introductory matter and the prologue to the second book,<sup>13</sup> show

<sup>1</sup> *Reliqua Librorum Friderici II*, ii. 41.

<sup>2</sup> 'Quod ergo Aristotiles dicit in libro animalium, aves uncorum unguium idem sunt quod aves rapaces, non sic se habet,' MS. M, fo. 28<sup>v</sup>, ed. Schneider, p. 43. 'Non est ergo verisimile quod scribitur ab Aristotile,' MS. M, fo. 16<sup>v</sup>, ed. Schneider, p. 25. 'Non . . . ut dicit Aristotiles,' MS. M, fo. 15, ed. Schneider, p. 24. 'Quamvis Aristotiles dicat contrarium,' MS. M, fo. 20, ed. Schneider, p. 31. 'Licet dixerit Aristotiles,' MS. M, fo. 47<sup>v</sup>, ed. Schneider, p. 72.

<sup>3</sup> 'Quomodo autem generatur pullus in ovo et que membra ipsius prius apparent et formantur et quod tempus est aptius cubationi et per quantum tempus cubant aves et reliqua constantia circa hec pretermittimus, eo quod sufficienter dictum est in libro animalium (*H. A.* vi. 1-9) nec spectat ad nostrum propositum, quod est de perfectis avibus rapacibus qualiter docentur rapere aves non rapaces iam exclusas de ovibus et perfectas,' MS. B, p. 67. Cf. MS. M, fo. 3<sup>v</sup> (ed. Schneider, p. 5): 'Reliqua vero omnia que pretermittimus de natura avium in libro Aristotilis de animalibus requirantur.'

<sup>4</sup> See the preface, *supra*, p. 344.

<sup>5</sup> Yet Biehringer (*Kaiser Friedrich II*, p. 244) can speak of the emperor as 'ein bedingungsloser Bewunderer des Aristoteles'.

<sup>6</sup> 'In nostris regionibus, scilicet sexti climatis quinti quarti et tertii,' MS. B, p. 515.

<sup>7</sup> *Infra*, p. 353.

<sup>8</sup> 'In quadam insula que est inter Norvegiam et Gallandiam et vocatur theutonice Yslandia et latine interpretatur contrata seu regio glaciei,' MS. M, fo. 49<sup>v</sup>, ed. Schneider, p. 75. Moamyn has 'Nascuntur in partibus frigidis ut in Dacia et Norodia' (MS. Corpus 287, fo. 45<sup>v</sup>).

<sup>9</sup> MS. M, fo. 60, ed. Schneider, p. 94.

<sup>10</sup> MS. M, fo. 27, ed. Schneider, p. 42.

<sup>11</sup> MS. M, fo. 75, ed. Schneider, p. 117.

<sup>12</sup> MS. B, pp. 52, 440-3.

<sup>13</sup> Ed. Schneider, pp. 2, 69 f.



training in the philosophical methods of the age. *Legitur in pluribus libris philosophorum*, we read at the beginning of the chapter on the relative size of male and female birds (ii. 2), but its discussions of humours and complexions shows the influence, not merely, as Niese says,<sup>1</sup> of the physiognomic writers, but of the whole physiological tradition of the period; certainly the physiognomic element is not sufficient to support Niese's conjecture of the collaboration of Michael Scot, who died probably before 1236,<sup>2</sup> and whose *Liber Phisionomie*, dedicated to the emperor,<sup>3</sup> shows no parallelisms with the *De Arte*. At one point<sup>4</sup> there is a citation of the pseudo-Aristotelian *Mechanics*, which has not hitherto been noted in a medieval version either Arabic or Latin.<sup>5</sup>

2. Existing works on the art of falconry, Frederick characterizes as incorrect and badly written (*mendaces et insufficienter compositos*), at best dealing in rude fashion with certain small portions of the subject (*particule aliquot*).<sup>6</sup> This earlier literature in Latin and the Romance vernaculars<sup>7</sup> is known to us only in fragmentary and confused form: the letters to Ptolemy and Theodosius, the book of the enigmatical King Dancus,<sup>8</sup> the puzzling references made by Frederick's contemporaries, Albertus Magnus and Daude de Pradas,<sup>9</sup> to King Roger's falconer, William,<sup>10</sup> and to the 'book of King Henry of England'.<sup>11</sup> Further study

<sup>1</sup> *Historische Zeitschrift*, cviii. 510 n.

<sup>2</sup> Henry d'Avranches, in *Forschungen zur deutschen Geschichte*, xviii. 482 ff.; R. Förster, *De Aristotelis quae feruntur Secretis Secretorum* (Kiel, 1888), p. 29.

<sup>3</sup> Various editions; I have used Hain 14546\*, in possession of Dr. E. C. Streeter of Boston, Mass. Cf. Förster, *loc. cit.*; Brown, *Michael Scot*, p. 39.

<sup>4</sup> 'Portiones circuli quas faciunt singule penne sunt de circumferentiis equidistantibus, et illa que facit portionem maioris ambitus et magis distat a corpore avis iuvat magis sublevari aut impelli et deportari, quod dicit Aristotiles in libro de ingeniis levandi pondera dicens quod magis facit levari pondus maior circulus,' MS. M, fos. 23<sup>v</sup>-4; MS. B, p. 89, ed. Schneider, p. 36. See *Mechanica*, ed. Apelt (Leipzig, 1888), especially cc. 1, 3, ed. Bekker, pp. 848-50.

<sup>5</sup> Steinschneider, *Hebräische Uebersetzungen*, p. 229 f.; *id.*, in *Centralblatt für Bibliothekswesen*, Beiheft 12, p. 74; Grabmann, *Aristotelesübersetzungen*, pp. 200-4, 248 f., does not mention this among the pseudo-Aristotelian works translated under Manfred.

<sup>6</sup> Preface, *supra*.

<sup>7</sup> See in general Werth, in *Zeitschrift für romanische Philologie*, xii. 146-71. Which of the Romance languages are reflected in the vocabulary of the *De Arte* is a question that must be left to the philologists.

<sup>8</sup> For this I have used the Latin text in MS. Vat. Lat. 5366, fos. 34-40<sup>v</sup>.

<sup>9</sup> Since Werth wrote, a complete text of Daude de Pradas, *Lo romans dels ausels cassadors*, has been edited from the Barberini MS. by Monaci, in *Studi romanzi*, v. 65-192 (1891).

<sup>10</sup> *Supra*, p. 341; Werth, xii. 157-9, xiii. 11. I hope to study this problem more particularly on the basis of the Latin text.

<sup>11</sup>

En un libre del rei Enrie  
d'Anclaterra lo pros el ric,  
que amet plus ausels e cas  
que non fes anc nuill crestias.

Daude de Pradas, ed. Monaci, ll. 1930 ff.; ed. Sachs (Brandenburg, 1865), ll. 1905 ff.

is required before we can venture with confidence into this field. For our present purpose it is sufficient to point out that Frederick draws little or nothing from the known works of these authors, all of them brief and confined to a summary account of the various species of hawks and falcons and to precepts respecting their training and diseases. Even King Roger's falconer, whom Albertus Magnus quotes specifically through the intermediary of Frederick, is not mentioned in the manuscripts of the *De Arte* thus far examined. All these writers would have been useful primarily in relation to the treatment of diseases, and this part of Frederick's work, if ever written, has yet to be discovered.

Besides bringing skilled falconers from the East,<sup>1</sup> the emperor also had their writings translated for his own use. At least one such work has come down to us in numerous copies, the treatise of an Arab falconer, Moamyn, *De Scientia Venandi per Aves*, as turned into Latin by Frederick's interpreter Theodore and corrected by the emperor himself at the siege of Faenza (1240-1).<sup>2</sup> Master Theodore of Antioch, who here styles himself 'the last of the emperor's servants', is a characteristic figure of this cosmopolitan court.<sup>3</sup> In 1239 he casts the imperial horoscope at Padua;<sup>4</sup> in the register of the following year he drafts Frederick's Arabic letters to the king of Tunis, mixes his syrups of violets, and acts as his trusty messenger;<sup>5</sup> while he also appears in the mathematical correspondence of Leonardo Pisano, who addresses him as *imperialis aule summe philosophe*.<sup>6</sup> His preface, after an elaborate

The reference is apparently to a lost work in Provençal, whether prepared under the king's direction or merely dedicated to him does not appear. Werth, xii. 154 f., 166-71, thinks he can identify it as the source of other passages in Daude.

<sup>1</sup> Preface, *supra*; also MS. M, fo. 104<sup>v</sup> (ed. Schneider, p. 163): 'non negleximus ad nos vocare expertos huius rei tam de Arabia quam de regionibus undecumque, ab eo tempore scilicet in quo primitus proposuimus redigere in librum ea que sunt huius artis, et accepimus ab eis quicquid melius noverant, sicut diximus in principio'.

<sup>2</sup> 'Incipit liber magistri Moamini falconerii translatus de arabico in latinum per magistrum Theodorum phisicum domini Federici Romanorum imperatoris, et correptus est per ipsum imperatorem tempore obsidionis Faventie,' Rome, Biblioteca Angelica, MS. 1461, fo. 73; see Narducci, *Catalogus Codd. MSS.*, p. 628. The mention of correction by Frederick at the siege of Faenza also appears in a manuscript in private hands and in the French translation mentioned below; see Werth, xii. 175-7. Other manuscripts not mentioned by Werth are: Vatican, Vat. Lat. 5366, fos. 1-33<sup>v</sup>, 68<sup>v</sup>-75<sup>v</sup> (saec. xiii); Regina Lat. 1446, fos. 31-70 (c. 1300); University of Bologna, MS. Lat. 164 (153), fos. 33-49<sup>v</sup> (*Studi Italiani di Filologia Classica*, xvi. 169). This would seem to be the 'librum de animalibus traductum a domino Theodoro' which is mentioned in the papal library in 1475: Muntz and Fabre, *La Bibliothèque du Vatican au XV<sup>e</sup> Siècle* (Paris, 1887), p. 271.

<sup>3</sup> See, in general, Amari, *Storia dei Musulmani di Sicilia*, iii. 692-5; Werth, xii. 177; Steinschneider, in *Vienna Sitzungsberichte*, cxlix, 4, p. 79; Langlois, *La Connaissance de la Nature et du Monde au Moyen Age* (Paris, 1911), pp. 185 ff.; Sudhoff in *Archiv für Geschichte der Medizin*, ix. 1 (1915).

<sup>4</sup> Muratori, *Scriptores*, viii. 228.

<sup>5</sup> Böhmer-Ficker, *Regesta*, nos. 2617, 2803, 2810.

<sup>6</sup> Buoncompagno, *Scritti di Leonardo Pisano* (Rome, 1857), ii. 247, 279.

disquisition on the particular pleasure appropriate to every human act, in the course of which the *De Anima*, *Nicomachean Ethics*, and *Rhetoric* of Aristotle are cited,<sup>1</sup> concludes that hunting is the only distinctively royal amusement :

In quantum enim sunt reges non habent propriam delectationem nisi venationem. Considerans autem dominus noster serenissimus imperator Fredericus secundus semper augustus, Ierusalem et Sicilie rex, istius delectationis nobilitatem imperatoribus et regibus appropriandam dumtaxat, et videns antecessores suos et contemporaneos reges in delectatione a naturali veritate appropriata sibi et exhibita non sollicitos esse sed potius sompnolentos, servorum sui limitis minimo imperavit presentem librum falconarii transferre de arabico in latinum, ut eorum sit recordatio que sapientium solertia adinvenit per experimentum et principium invenientium in posterum. Ego igitur cum obedientia et devotione debita domini mei dignum preoccupavi preceptum presens opus tractatu quaternario dividendo, primo in theoreticam huius artis, secundo in medicinas occultarum infirmitatum, tertio in curas<sup>2</sup> manifestarum infirmitatum, quarto in medicamen rapidorum quadrupedum.<sup>3</sup>

Ordinarily the manuscripts have five books, the last two devoted to quadrupeds, so that only the first three concern us. Moreover of these the second and third are confined to diseases and remedies, and there is also much of this in the first book, after the preliminary classification of birds of prey, several of which have only their oriental names. It will thus be seen that the treatise, which is mainly a collection of prescriptions, has little in common with the subject-matter of the *De Arte*, and there is no indication that the emperor drew upon it.<sup>4</sup> Its popularity is attested by the numerous surviving manuscripts of the Latin text and by the French translation made by Daniel of Cremona for the use of Frederick's son Enzo, which must antedate Enzo's imprisonment in 1249.<sup>5</sup>

<sup>1</sup> 'Operationes quarum principium est per naturam et perfectio per voluntatem et cetera operationes et un[a]queque istarum coniungitur delectationi et tendit ad finem proprium, ut in libro de anima et Nychomachia et rethorica declaratum est,' MS. Reg. Lat. 1446, fo. 31v. The *De Anima* was then current, but the known versions of the *Nicomachean Ethics* and *Rhetoric*, made in the thirteenth century, have not hitherto been connected with Sicily; see Grabmann, *Aristotelesübersetzungen*, pp. 204-37, 242 f., 251-6.

<sup>2</sup> MS. 'cuius'.

<sup>3</sup> Vatican, MS. Reg. Lat. 1446, fo. 32; cf. Pertz, *Archiv*, xii. 320. This preface begins: 'Sollicitudo nature gubernans. . .'. Other manuscripts have a different preface, beginning, 'Reges pluribus delectationibus gaudent', and mentioning Theodore by name: e.g. Corpus Christi College, Oxford, MS. 287, fo. 45. The treatise itself begins: 'Genera autem volucrum rapidarum quibus sepius utitur gens aucupando sunt quatuor et xiiii species.' There are important differences between the Corpus and the Vatican texts.

<sup>4</sup> There are some notes, possibly added at the time of Frederick's revision, e.g. at the end of bk. i: 'Sed qualiter debeat teneri pugillus secundum diversitatem avium tacuit auctor' (Corpus MS. 287, fo. 50v).

<sup>5</sup> Ciampoli, *I Codici Francesi della R. Biblioteca di S. Marco* (Venice, 1897), pp. 112-14; Paul Meyer, in *Atti of International Congress of History*, Rome, iv. 78 (1904).

After Moamyn, Daniel of Cremona dedicated to Enzo<sup>1</sup> the French version of another oriental work, the book of Yatrib, Gatriph, or Tarif, in seventy-five chapters, which he declared had first been compiled in Persian and then turned into Latin.<sup>2</sup> It is not stated that Frederick II had any connexion with the Latin translation, but the similarity of the two treatises and the date of the French version make it likely that the Latin text of Yatrib was also due to the emperor's interest in the oriental literature of falconry. Yatrib, whose favourite bird is the sparrowhawk, gives a mixture of prescriptions and practical maxims, certain of which are attributed to the Great Khan ('Chaycham rex Parthorum') and to 'Bulchassem', who may have been the author of the Arabic text (c. 1200).<sup>3</sup> This manual does not appear to have furnished material for the *De Arte*.

3. Taken as a whole, the *De Arte* gives the impression of being based far less upon books than upon observation and experience, on the part either of the author or his immediate informants.<sup>4</sup> Frederick's eager desire to learn appears from his inquiries of the Arabs both while he was in the East and later :

Nos quando transivimus mare vidimus quod ipsi Arabes utebantur capello in hac arte. Reges namque Arabum mittebant ad nos falconarios suos peritiores in hac arte cum multis modis falconum, preterea non negleximus ad nos vocare expertos huius rei tam de Arabia quam de regionibus undecumque, ab eo tempore scilicet in quo primitus proposuimus redigere in librum ea que sunt huius artis, et accepimus ab eis quicquid melius noverant, sicut diximus in principio.<sup>5</sup>

It will be noted here that the emperor not only watched the Saracen falconers, but tried their methods himself and improved on them, just as he himself tested the hatching of eggs by the sun's heat in Apulia.<sup>6</sup> In the following unpublished passages we see the same spirit of observation applied to the nests of cuckoos and vultures, to the evidence of intelligence in ducks and cranes, and to the popular fable of the hatching of barnacle

<sup>1</sup> A Latin work on falconry seems also to have been dedicated to Enzo as king of Torres and Gallura, 'principi nostro excellentissimo E. Turrensi', according to a manuscript of Clare College, Cambridge (MS. 15, fo. 185) : James, *Catalogue*, p. 33. Enzo seems to have used this title interchangeably with that of king of Sardinia : E. Besta, *La Sardegna medioevale* (Palermo, 1908), i. 207 f.

<sup>2</sup> The French translation is found at St. Mark's in the same manuscript with Moamyn (see Ciampoli, *Codici Francesi*, p. 113), and the Latin texts also occur together in MS. Angelica 1461, which I have used.

<sup>3</sup> Werth, xii. 173. On falconry at the court of the Great Khan, see Marco Polo, ed. Yule, i. 402-7.

<sup>4</sup> Cf. Theodore's preface to Moamyn, *supra* : 'que sapientium solertia adinvenit per experimentum.'

<sup>5</sup> MS. M, fo. 104<sup>v</sup>; MS. B, p. 258, ed. Schneider, pp. 162 f.

<sup>6</sup> *Supra*, p. 342.

geese from trees or barnacles, a legend which he ascribes to ignorance of their remote nesting-places :

Quodam enim tempore apportatus fuit nidus ante nos illius aviculae que dicitur praenus, et in illo nido erant pulli praeni et una avicula orribilis visu deformis ut nullam fere figuram avis promitteret, ore magno sine pennis pullos multos et longos habens super totum caput usque ad oculos et rostrum. Ut igitur videremus que avis esset illa, cum diligenti custodia nutrivimus illos pullos et illam aliam aviculam et postquam perruerunt vidimus quod erant cuculi, ex quo cognovimus cuculum non facere nidum sed ova sua ponit in alieno nido.<sup>1</sup> . . .

Vidimus tamen aliquando quod quidam ayronum cineratiorem et bisorum nidificant in arboribus altis, ut sunt quercus, fagi, pini, et ulmi, et similes, et etiam super terram, et quando non possunt habere arbores altas et fortes sibi convenientes et sunt ibi salices, tamarisci, aut arbores alie debiles, nunquam nidificabunt in ipsis debilibus, ymo nidificabunt potius in canetis inviis et limosis super cannas, facilius enim est homines et serpentes accedere ad salices et ad huiusmodi arbores parvas quam ad canetas.<sup>2</sup> . . .

Est et aliud genus anserum minorum diversorum colorum albi<sup>3</sup> scilicet in una parte corporis et nigri in alia orbiculariter, que anseres dicuntur berneceae, de quibus nescimus etiam ubi nidificant. Asserit tamen opinio quorundam eas nasci de arbore sicca, dicunt enim quod in regionibus septentrionalibus longinquis sunt ligna navium in quibus lignis de sua putredine nascitur vermis de quo verme fit avis ista pendens per rostrum per lignum siccum donec volare possit. Sed diutius inquisivimus an hec opinio aliquid veritatis continet et misimus illuc plures nuntios nostros et de illis lignis fecimus adferri ad nos et in eis vidimus quasi coquillas adherentes ligno que coquille in nulla sui parte ostendebant aliquam formam avis, et ob hoc non credimus huic opinioni nisi in ea habuerimus congruentius argumentum, sed istorum opinio nascitur, ut nobis videtur, ex hoc quod berneceae nascuntur in tam remotis locis quod homines nescientes ubi nidificant opinantur id quod dictum est.<sup>4</sup> . . .

Vidimus vulturem in nido suo unicum ovum ponere et unicum cubare, cuius rei experientiam pluries habuimus quamvis Aristotiles dicat in libro suo animalium<sup>5</sup> quod nunquam visi fuerunt nidi neque pulli vulturum.<sup>6</sup> . . .

Et iam vidimus de anatibus et aliis pluribus avibus quod [quando] quis appropinquabat nidis suis ipse simulantes se egrotas fingeant se volare non posse et aliquantulum se cedebant ab ovis aut a pullis et sponte male volabant ut crederentur habere alas lesas aut crura. Ideo fingeant se cadere in terram ut homo sequeretur eas ad capiendum ipsas.<sup>7</sup> . . .

Nos autem, quia vidimus, vituperamus cibum qui fit eis de avibus que comedunt pisces, multo magis reprobamus nutrimentum quod fit de

<sup>1</sup> MS. B, p. 60.

<sup>2</sup> MS. B, p. 63.

<sup>3</sup> MS. 'alibi'.

<sup>4</sup> MS. B, p. 63. On the fable respecting barnacle geese in this period see Gervase of Tilbury, *Otia Imperialia*, iii, c. 123; Liebrecht, *Des Gervasius von Tilbury Otia Imperialia* (Hanover, 1856), pp. 163 f.; Carus, *Geschichte der Zoologie*, pp. 190-5.

<sup>5</sup> *Hist. Animal.* vi, c. 5; ix, c. 11.

<sup>6</sup> MS. B, p. 65.

<sup>7</sup> MS. B, p. 70.

piscibus, aves enim nutritæ piscibus erunt mollium carniarum et mollium pennarum et malorum humorum.<sup>1</sup> . . .

Astutiam et acumen ingenii gruum experti sumus quandoque tantam quod videns posset credere eas habere rationem. Nam postquam iactaveramus nostrum girofalconem ad eas et ipse iam segregaverat unam a societate illarum et persequeretur segregatam et fortuito grus videbat vultures stantes in campis, ipsa confugiebat illuc et stabat tuta inter eas, nam girofalcus ex tunc non audebat invadere ipsam, tanquam si grus scivisset quod girofalcus vultures crederet esse aquilas ad quas non audet accedere.<sup>2</sup> . . .

The emperor who insists upon seeing for himself, who investigates legends by sending for the evidence, who seels vultures' eyes to ascertain whether they find food by smell,<sup>3</sup> is clearly the same inquirer who shocked the good Salimbene by bringing up children in isolation to test their speech, and by cutting men open to observe the processes of digestion.<sup>4</sup> If the facts are not available, he draws no certain conclusion.<sup>5</sup> *Fides enim certa non provenit ex auditu.*<sup>6</sup>

The four last books are made up of generalized experience, with few particular instances. Elaborate in plan and almost scholastic in subdivision, *divisivus et inquisitivus*, they are severely practical throughout, with little or no speculation and no digressions, but with constant reference to the author's own observation and practice. He approves or disapproves various methods, not dogmatically, but giving his reasons.<sup>7</sup> Thus he prefers a lure of cranes' wings,<sup>8</sup> but mentions the use of hens in Spain

<sup>1</sup> MS. B, p. 149.

<sup>2</sup> MS. B, p. 401.

<sup>3</sup> 'Non est ergo tenendum quod odoratu sentiant cadaver, ut quidam dicunt, sed potius visu. Quod expertum est per nos pluries, etenim quando vultures erant ex toto ciliati non sentiebant carnes proiectas ante ipsas quamvis odoratum non haberent oppilatum. Experti sumus autem quod non rapiunt aves cum famelici sunt et videntibus proiecimur pullum galline et non capiebant ipsum nec occidebant,' MS. M, fos. 11-11v; MS. B, p. 29, ed. Schneider, p. 17.

<sup>4</sup> *Monumenta, Scriptores*, xxxii. 350, 353.

<sup>5</sup> 'De tempore cubationis ovorum avium rapacium certi non sumus pro eo quod plures de avibus rapacibus nificiant in regionibus longinquis et nimis remotis a nobis, de quibus noticiam habere non possumus,' MS. M, fo. 51, ed. Schneider, p. 78. Cf. MS. B, p. 70: 'De avibus autem non rapacibus nobis est dubium an prius pascant se an pullos an simul cum pullis; cognoscere difficile videtur.'

<sup>6</sup> *Supra*, p. 344.

<sup>7</sup> 'Nos vero in loyrando habemus hunc modum,' MS. B, p. 290. 'Quod non reprobamus,' p. 310. 'Nos autem in hoc non facimus magnam vim,' p. 462. 'Hic autem modus volandi idcirco non est laudandus,' p. 499. 'Approbavimus et vidimus,' p. 516. 'Diximus de venatione ad grues quam approbavimus girofalconi propter id quod supra dictum est et venatione ayronis quam approbavimus sacro propter id quod similiter dictum est. Nunc dicamus de venatione que fit ad aves de rivera et specialiter ad anates et sibi similes, et hanc approbamus falconi peregrino,' p. 517 (beginning of bk. vi). 'Nos autem dicimus quod circa mane melius est,' p. 534. 'Hunc morem non multum reprobamus,' p. 540.

<sup>8</sup> MS. B, p. 282.

and southern France, doves in Arabia,<sup>1</sup> and a pig covered with a hare's skin in *insula de Armenia*.<sup>2</sup> In England hunters do not shout when they lure; he has asked the reason, but can get no explanation save ancient custom:<sup>3</sup>

*Quomodo loyrant illi de Anglia.* Illi vero qui habitant Britanniam que vocatur Anglia non loyrant hoc modo quoniam nunquam loyrant equites neque vociferant sed loyrant pedites et loyrum prohibeunt in altum recte et postquam ceciderit in terram iterum prohibeunt in altum, et hoc faciunt donec falco videat loyrum et incipiat venire ad ipsum. Et postquam ille qui prohibet loyrum videt falconem prope venientem stat et dimittit ipsum venire super loyrum, et est causa hec quare non loyrant equites quia non conveniret et difficile esset prohibere loyrum et descendere iterum ad prohibendum.

*Quare non vociferant in loyratione.* De vociferatione vero quesivimus, quare scilicet non vociferant, et nesciunt reddere causam nisi tantummodo quod hoc haberent ex usu; sed opinamur antiquos eorum loyrando non vociferare pro eo scilicet quod falcones quando etiam mittuntur ad hayrones necessarium est vociferare quoniam ayro reddit se frequenter ad aquas timore falconum et cum vocibus perterretur ut surgat ad aerem sepius, et quod falcones gruerii quando in principio venationis sue, hoc est antequam plures aves cepit, iactentur et emittantur ad sedium ad grues, quando inquam falcones sunt prope gruem, oportet vociferare ad grues ut surgant, falco vero audiens, si assuetus fuerit ad loyrum vociferando, credens se revocari ad loyrum per illas voces dimittet grues et redibit ad vociferantem spe loyri. Propter hoc non vociferant in loyrando, et quoniam ipsi venantur ad ayrones et ad grues plusquam ad alias aves, assuefaciunt falcones ad loyrum non vociferando.

*Quod nobis videtur.* Nos tamen dicimus quod melius est vociferare loyrando quoniam naturale est falconibus abfugere ab homine sed retrahere ipsum falconem ab hac natura non potest fieri nisi cum accidentali magisterio et convenientibus instrumentis; necessarium est igitur omnia illa ordinare per que possit habitus retineri et si perdat recuperari et inter ea per que retinetur aut recuperatur propria sunt loyrum et vox. . . .

For his investigations of falcons, Frederick had at his disposal the whole machinery of his bureaucratic administration, and if the registers of his correspondence had been preserved we should perhaps be able to follow in detail some phases of his literary work. As matters stand, the surviving fragment of

<sup>1</sup> 'Plures autem gentium in diebus nostris non utebantur loyro quod diximus ad revocandum genera falconum, scilicet [*read sed* ?] gallinis vivis ut in Hispania et regionibus eius vicinis occidentalibus, alii columbis vivis ut in Arabia et in ceteris regionibus meridianis et orientalibus; sed nos modum istorum et illorum reprobamus quia non semper de facili possunt haberi aves vive quemadmodum ale avium,' MS. B, p. 285. This passage is also found in what appears to be extracts from bk. iii of the *De Arte* in the Bodleian MS. Digby, 152, fo. 44.

<sup>2</sup> 'Item homines de insula de Armenia et de regionibus vicinis faciunt traynam leporinam suis sacris zacharis et suis layneriis hoc modo,' MS. B, p. 327.

<sup>3</sup> MS. B, p. 307 f.; MS. Digby, 152, fo. 50<sup>v</sup>.

a register for a few months of 1239–40 has forty entries concerning falcons, mentioning by name more than fifty of the emperor's falconers.<sup>1</sup> Thus in November 1239 he writes from Lodi to his superintendent of buildings in Sicily thanking him for information concerning the haunts and nests of herons, which the emperor longs to see for himself.<sup>2</sup> From Cremona he sends to his falconer Enzo for a report on his falcons, how many there are and in what condition, and especially concerning those captured at Malta and the wild ones taken during the season<sup>3</sup>; he orders another to await him with hawks at Pisa,<sup>4</sup> while he sends to Apulia for two hawks just brought by the emissaries of Michael Komnenos.<sup>5</sup> After Christmas he sends for two sacred falcons, the one called 'Saxo' and another good bird.<sup>6</sup> Although winter is not so good a season for such game,<sup>7</sup> he writes from Gubbio in January to his falconer Sardus that he is taking many fat cranes and keeping the legs as the portion of the absent falconer, who should come at once<sup>8</sup> to that noblest of sports, the hunting of cranes with gefaults, which the emperor describes in his fourth book.<sup>9</sup> The next day he sends a valet for training peregrine falcons in the Sicilian kingdom,<sup>10</sup> and two days later sends from Foligno for three falcons and a *turziolus*.<sup>11</sup> Ten days thereafter he sends falcons and dogs back to the south,<sup>12</sup> and various orders provide for wages and equipment of falconers.<sup>13</sup> In February he is concerned with the moulting of falcons, which are distributed among his barons to be kept during that period.<sup>14</sup> In March we read of the training of falcons in the south.<sup>15</sup> In May the emperor, once more in the Capitanata, sends nineteen falconers to Malta for

<sup>1</sup> Including Master Walter Anglicus and his son William: Böhmer-Ficker, *Regesta Imperii*, nos. 2857, 3082.

<sup>2</sup> 'De sollicitudine et labore quem assumpsisti super inveniendis ayris hayronum et locis ubi degunt te duximus commendandum, quod excellentia nostra satis delectat audire nec minus presentialiter videre proptat': Huillard-Bréholles, *Historia diplomatica*, v. 510; Böhmer-Ficker, no. 2566. Cf. the *De Arte*, MS. B, p. 442: 'In fine vero autumpni et per hyemem magna copia ayronum invenitur in calidis regionis [sic] ad quas confugerunt propter cibum acquirendum sibi et propter frigus... et maxime habundant in regionibus Egypti.'

<sup>3</sup> Böhmer-Ficker, no. 2584. Besides the entries concerning falcons, there are many respecting dogs and hunting leopards, e.g. nos. 2661, 2662, 2709, 2751, 2783, 2785, 2811, 2882, 2932, 2944, 3029.

<sup>4</sup> *Ibid.*, no. 2585.

<sup>5</sup> No. 2589.

<sup>6</sup> No. 2668.

<sup>7</sup> *De Arte*, iv (MS. B, pp. 359–61).

<sup>8</sup> Böhmer-Ficker, no. 2745; cf. 2744. The hunting of cranes is also mentioned in no. 2814.

<sup>9</sup> 'Grues sunt famosiores inter omnes aves non rapaces ad quas docentur capiendas aves rapaces, et girofalcus nobilior est avibus rapacibus et est avis que melius capit grues quam alii falcones et que melius volat ad ipsas,' MS. B, p. 282.

<sup>10</sup> Böhmer-Ficker, no. 2749.

<sup>11</sup> *Ibid.*, no. 2753.

<sup>12</sup> No. 2807.

<sup>13</sup> Nos. 2539, 2591, 2680, 2706, 2744, 2814, 2817, 2856, 2857, 2863, 2907, 2929, 3082.

<sup>14</sup> Nos. 2800, 2855, 2863, 2903.

<sup>15</sup> No. 2907.



birds,<sup>1</sup> and orders that all the sparrow-hawks in the county of Molise shall be brought together under a special keeper.<sup>2</sup> When he wants live cranes for training falcons, he commands the justiciars of Terra di Lavoro, Bari, and the Capitanata to have as many as possible caught and sent to the justiciar of the Capitanata to be kept at the royal residences.<sup>3</sup> Such glimpses of the emperor's daily occupations show his passion for falconry, pursued in the midst of more urgent concerns of state and not merely in the intervals of relaxation at his palaces, and illustrate the devotion of the ideal falconer, who is represented in the *De Arte* as desiring primarily neither fame nor a plentiful supply for the table, but to have the best falcons. The successful hawker cannot be 'indolent or careless, for this art requires much labour and much study'.<sup>4</sup> Frederick's pride in his mastery of the art is illustrated by the story that, when he was ordered to become a subject of the Great Khan and receive an office at the Khan's court, he remarked that he would make a good falconer, for he understood birds very well.<sup>5</sup> And if we doubt this characteristic tale, we have at least his own prefatory words concerning falconry, *nos semper dileximus et exercuimus*.

Keen sportsman as he was, Frederick II was not the man to lose himself wholly in the mere joy of hawking. His mind had also to be kept busy, his questions answered, his knowledge extended and put in order. The lessons of the *De Arte (scientia huius libri)*<sup>6</sup> are essential for the falconer, but it is more than a manual of practical instruction. The first book and the earlier chapters of the second have a systematic and scientific character which give them an important place in the history of medieval zoology, while the whole treatise is pervaded by the spirit of actual observation and experiment. While the author uses the ancients, he is not blinded by them, and does not hesitate to correct them when necessary. So far as the Renaissance is characterized by the spirit of free inquiry and emancipation from authority, the *De Arte* lends support to those who would begin the new movement at the court of Frederick II.

CHARLES H. HASKINS.

<sup>1</sup> No. 3082.

<sup>2</sup> No. 3056.

<sup>3</sup> No. 2801.

<sup>4</sup> MS. M, fos. 68-9, ed. Schneider, pp. 107-9.

<sup>5</sup> Albericus Trium Fontium, *Monumenta, Scriptores*, xxiii. 943.

<sup>6</sup> MS. M, fo. 68<sup>v</sup>, ed. Schneider, p. 108.

## *Writs of Assistance, 1558-1700*

**A**MONG the many notes which Clarendon passed across the council table to his royal master, Charles II, there is one which runs as follows :

(Chancellor) : Is it your pleasure that I directe those of your privy Councell, who are not Peers, nor of the house of Commons, that they attende the house of Peers accordinge to custome ?

(King) : that which is the custome.

(Chancellor) : Should not those Councillors attende the house of Peers, and sitt on the Woolsacke ?

(E. of Manchester) : Itt hath allwayes bin the custome thatt writts off assistance have bin sent vnto all counsellors thatt were nott Peeres and did nott sitte in the house off Coñons.

(Chancellor) : Now no writts are sent to any, the kings derection will be enough ?

(Manchester) : the Kings direction is enoughe to your Lord<sup>p</sup> to issue oute those writts to such persons.

(Chancellor) : Ther are no writts issued to any, the Judges sitt only by derection : the sendinge out writts to the assistants, beinge not congruous, when the Peeres themselues haue no writts.<sup>1</sup>

(Manchester) : Your Lord<sup>p</sup> propounds a question to be considered yett the vsuall waye was by writte iff the iudges haue none the counsellors neede nott to haue any.<sup>2</sup>

This antiquarian discussion between Clarendon and Manchester opens up the whole question of the writs of assistance and the persons to whom they were sent : were the members

<sup>1</sup> This cannot, of course, be taken as a statement of the usual procedure, for both the peers and the judges had writs at this time (see below) ; but Clarendon is probably referring to the state of things that existed in the convention of 1660, when the peers received no writs of summons at all, but assembled on their own initiative ; the masters in chancery, but not the judges, were in attendance on the lords from the beginning, and on 4 June 1660 it was ordered ' that the lord chancellor do move the king to order writts to the judges to attend the House as assistants ' ; on 5 June he reported that the king had made such an order, and on 6 June the judges were in attendance (*Lords' Journals*, xi. 52-4). From Clarendon's remarks it would seem that, on this occasion, the judges received the king's order only, and no special writ of assistance. In the convention of 1689 the lords merely required certain persons learned in the law to attend on the house as assistants (*Lords' Journals*, xiv. 102, 116, 155) ; no writs were apparently issued and no Pawn has survived.

<sup>2</sup> W. D. Macray, *Notes at Meetings of the Privy Council between Charles II and Clarendon*, p. 18.

of the privy council ever summoned, as Clarendon suggests, along with the legal advisers of the Crown to 'be present with us and the rest of our council to treat and give your advice upon the affairs aforesaid'?<sup>1</sup> Fortunately there is in the Public Record Office a series of documents which should contain the information necessary to settle the matter once and for all. These are the so-called Parliament Pawns<sup>2</sup> or enrolments, first, of the writs to the spiritual and lay peers, secondly, of the writs of assistance to the judges and others, and, thirdly, of the writs to the sheriffs of the various counties calling upon them to return knights and burgesses to the house of commons; in each case the writ is given and is followed by a list of the persons to whom it was sent.

That these Pawns are enrolments of the writs of summons to parliament there seems little doubt, for they are exactly parallel to the enrolments of the writs on the back of the Close Rolls, which they superseded.<sup>3</sup> But during the Protectorate their nature appears to have been misunderstood. Formerly they had been written in Latin;<sup>4</sup> for the two Protectorate parliaments for which Pawns have been preserved,<sup>5</sup> they are in English, and in translating the usual formula, 'Consimilia brevia diriguntur', &c., the Protectorate official has rendered it 'Let the like Writts be directed', and has used the Pawn as a warrant to the clerks of the petty bag to issue the writs, and, that there may be no mistake, he has addressed it at the foot 'To John Thompson Esq. one of the Clerks of the pettibagg'.<sup>6</sup>

<sup>1</sup> This phrase, which is the one now used ('nobiscum ac cum ceteris de consilio nostro' was the Latin form in use in the seventeenth century), is the essential characteristic of the writ of assistance; the writ to the peers summons them 'on their faith and allegiance' to be present 'with us and with the aforesaid prelates, peers and great men' ('nobiscum ac cum prelatibus, magnatibus et proceribus praedictis'). The form of the writ of assistance does not really imply any subordination in the position of those whom it summoned; historically the judges and others were there because they were members of the king's council, which really formed the nucleus of the house of lords.

<sup>2</sup> The exact description is Petty Bag, Parliament Pawns.

<sup>3</sup> Scargill-Bird, *Guide to the Public Records*, p. 75. He also says that these Pawns are transcribed in full in Dugdale, *Summons to Parliament*, but this is not the case; after the parliament of 1529 Dugdale always omits the writ of assistance and the names of those who were summoned by it.

<sup>4</sup> This practice was resumed in 1660 and continued until well into the eighteenth century.

<sup>5</sup> There is one Pawn for the lords and assistants who were summoned to meet in 1658, and there are three Pawns for the parliament of 1659—one for the lords, one for the commons from England and Wales, and one for those from Scotland and Ireland; there is also a Pawn for the convention of 1660. There are no others for the Commonwealth and Protectorate. These five Pawns are at present placed unnumbered at the bottom of bundle i, and though this position probably arises from the lawyers' refusal to recognize the Cromwellian parliaments, yet, in a way, it is symbolic, for these Pawns are really quite distinct from the rest of the series and will be considered in greater detail below.

<sup>6</sup> Pawn for the parliament of 1659.

These Parliament Pawns are now arranged in four bundles, of which the first, covering the period from 21 Henry VIII to 3 William III,<sup>1</sup> consists of flat sheets of parchment, one for each parliament; in the three later bundles,<sup>2</sup> however, the parchment sheets are replaced by small rolls of two or three skins apiece, each roll containing the writs for a single parliament; for the last two parliaments of which the Record Office has knowledge, there are two parchment books instead of the usual rolls, and though the form of the writ of assistance is given, there is no mention of the persons to whom it was sent.

At exactly what point in the life of a parliament its Pawn was drawn up cannot be determined with any certainty, for there seems little doubt that the procedure in this connexion varied considerably. As was pointed out above, the Cromwellian Pawns were used as warrants for the preparation of the writs of summons and therefore must have been compiled before those writs were issued; moreover, three other Pawns are for parliaments that never actually met at all: no. 6 records the summoning of a parliament to meet on 18 September 1553 and Edward VI died in July, and nos. 26 and 27 are for those two parliaments of 1688 which were promised by James II in order to placate his subjects, but altered circumstances caused him to change his mind, and in consequence, though the writs were prepared, the elections were never held.<sup>3</sup> Naturally on this evidence one would assume that the Pawns were drawn up before the assembly of parliament, and this seems to have been the normal procedure after the Restoration; <sup>4</sup> but that such was not always the case is shown by the Pawn for the parliament of 1604-11. Sir Thomas Fleming is there summoned in three capacities, as chief baron of the exchequer, as chief justice of the king's bench, and as solicitor-general. Of course, he held these offices in succession, but he is named as chief baron and chief justice several lines before he appears as solicitor-general, and, as there seems to be no likelihood that these two later titles could have been inserted after the completion of the list, it must follow that it was drawn up in a somewhat haphazard and unchronological order not earlier than 8 February 1610, the date of his summons to attend the peers as lord chief justice.<sup>5</sup> That this is not an isolated case can

<sup>1</sup> This is the only bundle which has any serious gaps; there are no records from the accession of Elizabeth until the parliament of 1586, and those for the parliaments of 1536, 1542, 1614, 1621, 1626, 1628, and 1640 (Long Parliament) are also missing. For the gaps in Dugdale's time, his marginal references should be compared with the last paragraph of his preface.

<sup>2</sup> 1 Anne to 14 George II; 21 George II to 58 George III; 1 George IV to 1880.

<sup>3</sup> R. Lodge, *Political History of England*, viii. 283, 285, 292, 294.

<sup>4</sup> Sir J. Pettus, *The Constitution of the Parliaments in England* (1680), p. 20.

<sup>5</sup> Parliament Pawns, bundle i, no. 17. This list is interesting in several other ways:

be seen by an examination of the Pawn for 35 Elizabeth (1593), where the name of Sir William Peryam, who was made chief baron after the writs had been issued for the parliament of that year and had therefore a writ of a later date than the others, occurs in the middle of the list before the names of judges who undoubtedly received the earlier writs.<sup>1</sup> Therefore all that can be said is that, though the Pawns may usually have been drawn up when the writs were issued, the fair copy which we possess<sup>2</sup> may quite well have been prepared after the dissolution of parliament.

In form there is only one of the Pawns that presents anything of much interest; this is the one<sup>3</sup> for the parliament of 30 Henry VIII (1539). A very large number of the names on it have been scored through and others inserted, and a careful examination shows that the original list is that belonging to the parliament of 1539, and that it has been brought up to date and used again as a rough list for the parliament of 6 Edward VI (1553); from this a fair copy has been made.<sup>4</sup> That this is the case can easily be proved. 'Anno tricesimo' has been altered to 'anno sexto'; Roger Cholmley, who became chief justice of the king's bench in March 1552, has been substituted for Edward Montagu, who was chief justice in 1539; John Baker—attorney-general in 1539—is scored out and Edward Gryffin, who was not attorney-general till the following reign, is inserted, and John Gosnold is added as solicitor-general, an office he did not hold till May 1552. The names of the three secretaries of state (Petre, Cecil, and Cheke), who certainly received writs of assistance in 1553, are not, however, inserted in this rough copy, though they appear in the fair one drawn up later.

Blackstone, writing of these writs of assistance, says:

In the next place they<sup>5</sup> have a right to be attended, and constantly are, by the Judges of the court of king's bench and common pleas, and such of the barons of the exchequer as are of the degree of the coif, or have been made serjeants at law; as likewise by the masters of the court of chancery; for their advice in point of law, and for the greater dignity of their proceedings. The secretaries of state, the attorney and solicitor general, and the rest of the king's learned counsel being serjeants, were

three persons were summoned as solicitor-general during the course of this parliament, Sir Thomas Fleming, Sir John Dodderidge, and Sir Francis Bacon; three as chief baron of the exchequer, Sir William Peryam, Sir Thomas Fleming, and Sir Lawrence Tanfield; two as chief justice of the king's bench, Sir John Popham and Sir Thomas Fleming; two as chief justice of the common pleas, Sir Edmund Anderson and Sir Francis Gawdy; while Sir John Croke is summoned both as a serjeant-at-law and as a justice of the king's bench.

<sup>1</sup> Parliament Pawns, bundle i, no. 14.

<sup>2</sup> In two cases both the rough and fair copies have been preserved: the amended Pawn of 1539 which serves as the rough copy for the parliament of 1553 (see below) and the two Pawns (nos. 28 and 29) for the parliament of 1690.

<sup>3</sup> Parliament Pawns, bundle i, no. 2.

<sup>4</sup> *Ibid.*, no. 5.

<sup>5</sup> i. e. the peers

also used to attend the house of peers, and have to this day their regular writs of summons issued out at the beginning of every parliament: but, as many of them have of late years been members of the house of commons, their attendance is fallen into disuse.<sup>1</sup>

This account is in the main correct, although the evidence supplied by the Parliament Pawns enables us to modify it in some of its details.

The persons summoned by writs of assistance may be divided into six classes: <sup>2</sup> (a) the judges, (b) the master of the rolls, (c) the attorney and solicitor general, (d) the king's serjeants, (e) the secretaries of state, and (f) occasional members of the privy council. Before these different groups are considered separately, it should be noticed that they all belong to the council of the king—not the privy council, but that wider and very ill-defined body, the ordinary council—that they are all men whose special obligation it is to advise the Crown when called upon to do so; hence, while the peers are summoned to confer with the king and other peers, the members of the ordinary council are called to advise the Crown <sup>3</sup> and are really in attendance upon the king alone and not upon the peers at all. But with the development of the house of lords in the fifteenth century these advisers of the Crown gradually fall into a position of subordination to the peers, and, by the beginning of Elizabeth's reign, it was pretty well recognized that they were merely attendants or assistants <sup>4</sup> to the upper house, with no lot or share in the privileges of that body, though occasionally a bill might be sent to a committee on which the justices <sup>5</sup> or the attorney and solicitor general <sup>6</sup> or even a serjeant-at-law <sup>7</sup> sat side by side with lords of parliament, or even though, as happened in one debate at least, a secretary of state might intervene in the discussion in support of the bill that was before the house. <sup>8</sup> These are mere survivals

<sup>1</sup> Blackstone, *Commentaries* (ed. of 1765), i. 162.

<sup>2</sup> See also p. 372, n. 2.

<sup>3</sup> See p. 357, n. 1.

<sup>4</sup> D'Ewes makes a distinction between 'Assistants' and 'Attendants': the judges he calls 'assistants' (e. g. p. 99), the attorney and solicitor general and the serjeants 'meer Attendants upon the Upper House' (pp. 99, 142); this may imply a certain difference in status, but it was a distinction that was certainly not universally made even in the early seventeenth century, e. g. Chief Baron Fleming and Baron Snigg are said to be 'Attendants as Judges in the Higher House' (*Commons' Journals*, i. 257, 9 November 1604), while a master of the chancery is called an assistant to this house (*Lords' Journals*, iv. 565, 7 February 1642).

<sup>5</sup> *Lords' Journals*, i. 586, 26 January 1563; i. 606, 20 March 1563; D'Ewes, pp. 99, 142, 143, 3 October and 5 October 1566, 5 April and 9 April 1571.

<sup>6</sup> *Lords' Journals*, i. 586, 26 January 1563; D'Ewes, p. 142, 6 April 1571; *Lords' Journals*, i. 691, 21 May 1571.

<sup>7</sup> D'Ewes, p. 99, 3 October 1566. In these cases the bills committed dealt with legal matters.

<sup>8</sup> The debate on the Sacrament on 14-18 December 1548, printed in appendix v of Gasquet and Bishop, *Edward VI and the Book of Common Prayer*.

which can be looked upon by D'Ewes in the early seventeenth century as quite contrary to the ordinary procedure of his day.<sup>1</sup> It should, however, be made clear that this general conclusion applies much more justly to the legal advisers of the Crown than to the secretaries of state, for the latter do not become important until the early sixteenth century, when the peers have already gained some corporate unity. Consequently, when they begin to receive writs of assistance, it is really in order that they may give the upper house information in regard to the many matters of administrative or diplomatic importance with which they had to deal.

For the purpose of examining more in detail the conditions of summons of those six groups of officials who received writs of assistance, and their relations with the lords and the commons, it will be desirable to consider them separately.

(a) Throughout the whole of this period (1558-1700) the two chief justices and the chief baron were regularly summoned to attend the house of peers. The judges of the king's bench and the common pleas were also summoned pretty regularly, though it would not be safe to say that they were all summoned to every parliament. The case of the barons of the exchequer is not quite so simple. It had long been the custom for judges of the king's bench and common pleas to become serjeants-at-law upon their appointment as judges, if they were not so already ;<sup>2</sup> the barons of the exchequer did not, however, necessarily do this; indeed, Robert Shute (appointed June 1579) was the first baron to be also a serjeant-at-law.<sup>3</sup> As the Pawns for the earlier parliaments of Elizabeth's reign do not exist, we cannot say just how early the barons received writs of assistance, but they certainly did not get them before 1558, and as attainment of the degree of the coif seems to be a necessary qualification for summons,<sup>4</sup> it is probable that the first writ of assistance was sent to a baron in 1584, and it is certain that two such writs were issued to barons of the exchequer (both also serjeants-at-law) in 1586.<sup>5</sup> From this time onwards most of the barons attained to the degree of the coif, and there even exist instances where barons who were also serjeants were not summoned,<sup>6</sup>

<sup>1</sup> In each case quoted above he calls attention to the fact in a special note, and on p. 99 he says, 'which is a matter to be observed, because of later days neither the said Assistants nor Attendants are ever appointed joint Committees with the Lords, as here ; but only Comanded by the House to attend upon the Committee'.

<sup>2</sup> This remained the rule until it was abolished by the Judicature Act of 1873.

<sup>3</sup> Foss, *Judges*, in the life of Robert Shute.

<sup>4</sup> Cf. Coke, *Institutes*, iv. 4 ; Blackstone, *Commentaries*, i. 162.

<sup>5</sup> Parliament Pawns, bundle i, no. 12.

<sup>6</sup> e. g. Sir James Altham, who was made a baron of the exchequer in 1607 but was not summoned to the parliament of 1604-11, though Sir Edward Bromley, who was of a later creation, was summoned.

but probably the reason would be found by a study of the circumstances of each individual case. Writs of assistance were regularly sent to the judges of the three common law courts down to the passing of the Judicature Act of 1873; <sup>1</sup> since that date they have been issued to the judges of the high court of justice and the court of appeal, though in recent years writs have been sent only when the need has arisen for consulting the judges on some legal question, and not as a matter of course at the beginning of every parliament.<sup>2</sup>

In addition to providing the lords with advice on technical legal points, the judges, as was pointed out above, sometimes sat on committees of the lords when law bills were under discussion, or sometimes had bills committed to them for examination,<sup>3</sup> though after 1600 the more usual custom was to summon them to attend on the lords' committee; <sup>4</sup> they were also sometimes called upon to draft the amendments the lords proposed to a bill or even the whole bill itself,<sup>5</sup> and it was the duty of two of them to carry to the commons all messages relating to bills which concerned the Crown or the royal family—an obligation which survived well into the nineteenth century—and on rare occasions they carried important messages relating to other matters.<sup>6</sup> But on the whole throughout this period the part that they play seems to be rapidly decreasing in importance.

Like the peers themselves, the judges were supposed to obtain leave of absence from the house if they desired to go into the country for a few days, but, though this was often done,<sup>7</sup> the

<sup>1</sup> There is one curious exception: in 1702, according to the *Parliament Pawn*, only the two chief justices, the chief baron, and the master of the rolls were summoned, yet it looks very much as though this *Pawn* were inaccurate or unfinished, for on 2 March 1705, in this same parliament, it is ordered that two judges are to stay in town to attend the house of lords (*Lords' Journals*, xvii. 686).

<sup>2</sup> May, *Law and Usage of Parliament*, 12th ed., p. 183. This change of custom was partially anticipated by the Protectorate parliament of 1658 (see below).

<sup>3</sup> e.g. *Lords' Journals*, i. 690, 19 May 1571.

<sup>4</sup> See above, p. 361, n. 1.

<sup>5</sup> e.g. in the case of the Statute of Proclamations, 12 June 1539 (*Lords' Journals*, i. 118). On 30 June 1685 the judges were ordered to draft acts for the return of able and sufficient jurors and the mending of highways (*ibid.* xiv. 69); on 14 November 1689 to prepare a bill for regulating *non obstantes* (*ibid.* xiv. 342); cf. also *ibid.* xiv. 528, 22 October 1690.

<sup>6</sup> May, *Law and Usage of Parliament*, pp. 183, 531. A message in regard to Monmouth's declaration was borne to the commons by the chief baron and another baron of the exchequer on 15 June 1685 (*Lords' Journals*, xiv. 41), and one in regard to the attainder of Monmouth on the same day by two justices (*ibid.* xiv. 42), but there is also one carried to the commons by a justice and a baron of the exchequer on 30 June 1685 which is concerned merely with a bill for the continuance of laws (*ibid.* xiv. 69). Still earlier—in 1661-2—messages in regard to an act dealing with grants of land by the king (*ibid.* xi. 346), to one for the reversal of Strafford's attainder (*ibid.* xi. 387), and to a proposed conference on a message from the king (*ibid.* xi. 356, 19 December 1661) were carried down to the commons by a justice and a baron.

<sup>7</sup> e.g. *Lords' Journals*, xi. 57, 8 June 1660; this leave of the house was necessary even if the judge had to go into the country to assist at the assizes; cf. *ibid.* xiv. 299,



judges became more and more remiss in their attendance during the latter half of the seventeenth century. On 14 January 1667 it was resolved 'That the Gentleman Usher attending this House do acquaint the Judges that they attend this House according to their Duty'.<sup>1</sup> This admonition was repeated on 17 May 1675, when it was ordered 'That some of the Judges do attend this House every Day',<sup>2</sup> but this did not produce any very permanent improvement, for on 14 November 1689 it was found necessary to order 'That all the Judges be sent for into Westm'r Hall presently, and reprimanded for their not attendance daily in the House. Who being come; the Speaker acquainted them, that the Lords expected their daily attendance.'<sup>3</sup> But still their duty to the Lords called with so small a voice that on 19 November 1690 the gentleman usher of the black rod had to be sent to command their immediate attendance.<sup>4</sup> This does not seem to have met with unqualified success, for three years later the Lords moderated their demands and suggested that it would be enough if, in term time, only one judge from each court in Westminster Hall attended.<sup>5</sup> This was the lull before the storm; on 9 February 1694 the lord keeper pointed out to the judges the path of duty in language that admitted of no misunderstanding:

I am commanded by the House, to tell you, you have the Honour to be the Assistants here; and the House takes Notice of your great Negligence in your Attendance: you have had sometimes Warning given you, though not with so much Solemnity as I am directed now to do it. If this Fault be not amended for the future, the House will proceed with greater severity against you.<sup>6</sup>

Yet so little real effect does this solemn warning seem to have had, that it had to be repeated less than a year later,<sup>7</sup> and during the eighteenth century the attendance of the judges became more and more spasmodic.

For a seat in the commons the judges were not eligible because, as Coke quite definitely states, 'they be assistants in the Lords House',<sup>8</sup> and though Foss declares that so highly did the commons esteem the integrity of Sir Thomas Fleming that they permitted him to retain his seat after his elevation to the bench in 1604,<sup>9</sup> the Commons' Journals, though not free from ambiguity, do not confirm this.<sup>10</sup>

30 July 1689. And during the course of Strafford's trial Baron Henden was refused leave of absence to hold a court in the Cinque Ports (*ibid.* iv. 213).

<sup>1</sup> *Lords' Journals*, xii. 74.

<sup>2</sup> *Ibid.*, p. 695.

<sup>3</sup> *Ibid.* xiv. 342.

<sup>4</sup> *Ibid.*, p. 558.

<sup>5</sup> 25 November 1693, *ibid.* xv. 307.

<sup>6</sup> *Ibid.*, p. 364.

<sup>7</sup> 4 December 1694, *ibid.*, p. 438.

<sup>8</sup> Coke, *Institutes*, iv. 47-8.

<sup>9</sup> Foss, *Judges*, in the life of Sir Thomas Fleming.

<sup>10</sup> 'Q. Touching Lord Chief Baron, Burgess for South. and Baron Snigg for

(b) The master of the rolls has been fairly regularly<sup>1</sup> summoned down to the present day, though the Judicature Act of 1873 abolished the one important feature in this connexion that distinguished him from the other judges,<sup>2</sup> his eligibility for a seat in the house of commons.<sup>3</sup>

(c) Throughout the whole of this period and, indeed, down to the present time writs of assistance have been sent with the greatest regularity to the attorney and solicitor general.<sup>4</sup> Like the judges, they sometimes gave advice on legal questions, occasionally sat on committees with members of the upper house,<sup>5</sup> and very frequently carried bills and messages from the lords to the commons;<sup>6</sup> in fact this last function seems to become in the seventeenth century the main reason for their attendance on the upper house; like the judges, too, the attorney-general was supposed to ask leave of the house if he desired to absent himself, even though it were but to go down to the house

Bristowe, being Attendants as Judges in the Higher House, whether they shall be recalled. Resolved, They shall not' (*Commons' Journals*, i. 257, 9 November 1605). There is no new writ for Southampton (for which borough Sir Thomas Fleming sat) given in the parliamentary returns, but this proves very little, as these returns are by no means complete; but in the case of Baron Snigg, to whom the commons' ambiguous resolution equally applied, there is a fresh return for his seat at Bristol, proving that he vacated it on his appointment. This looks as though the resolution meant that both Fleming and Snigg were disqualified from sitting in the commons.

<sup>1</sup> e. g. in December 1690 Powle, master of the rolls, petitioned the lords for a writ of assistance (*Lords' Journals*, xiv. 578); the petition was referred to the committee for privileges, who reported that according to the Pawns in the Petty Bag Office the master of the rolls had been summoned to most of the parliaments since 36 Henry VIII (*ibid.* 583).

<sup>2</sup> e. g. bills were sometimes committed to the master of the rolls just as they were to the judges. Cf. *Hist. MSS. Comm., Report on Records of City of Exeter*, p. 51.

<sup>3</sup> May, *Law and Usage of Parliament*, p. 29. This eligibility had not been a dead letter; for example, Sir Julius Caesar sat in the commons after his appointment as master of the rolls, while Sir William Cordell, master of the rolls, was elected Speaker in the parliament of 1558 (4 & 5 Philip and Mary) and Sir Harbottle Grimstone was appointed master of the rolls in November 1660 during his tenure of the office of Speaker.

<sup>4</sup> The attorney-general was summoned in 1529 and 1539, the solicitor-general being omitted, but after that they are both summoned regularly till 1702 (with the exception of the parliament of 1661-79, when the solicitor is omitted from the list); neither appears in the Pawns for 1702 and 1708, but thence onwards they are once more regularly summoned.

<sup>5</sup> See above, p. 360, n. 5.

<sup>6</sup> e. g. *Lords' Journals*, i. 118, 14 June 1539; i. 548, 11 February 1559; i. 693, 22 May 1571; iii. 74, 27 March 1621; iii. 130, 24 May 1621; iii. 327, 29 April 1624. Bills or messages were always borne by two attendants from the lords to the commons; sometimes it was the attorney and solicitor general who took them, sometimes the attorney or solicitor and a serjeant-at-law or a master in chancery; sometimes two serjeants, two masters, or a serjeant and a master; and once as late as 26 June 1685 the clerk of the Crown was pressed into service (*Lords' Journals*, xiv. 61). On one occasion (31 August 1641) the lords sent a message by a single bearer, a master in chancery called Dr. Bennett. The commons were properly indignant at this breach of etiquette, but the lords explained the matter by alleging that there were no more attendants present in the house (*Lords' Journals*, iv. 387).

of commons, of which, after 1660, he might be a member.<sup>1</sup> But from 1600 to 1660 there was one very important difference between these two officials: while not a word was said to imply that the solicitor-general ought not to sit in the house of commons, the attorney-general, 'by special order of the House of Commons . . . is not eligible to be a member'.<sup>2</sup> The question first arose in the case of Sir Henry Hobart, the member for Norwich, who was appointed attorney-general in July 1606; when parliament reassembled in November, it at once began to discuss with considerable vigour whether Hobart should retain his seat or not: 'The House upon this grew to Division, and by Division to Confusion; for they were not numbered.' Ultimately it was decided that the matter should be dropped, and Hobart therefore retained his seat.<sup>3</sup> Exactly the same difficulty arose in the parliament of 1614; Sir Francis Bacon had become attorney-general in October 1613, but he allowed himself to be elected for Cambridge University in the following year. Once again the commons discussed the matter, and, though Bacon was allowed to retain his seat, an order was passed making the attorney-general ineligible for the future;<sup>4</sup> consequently, when Sir Thomas Coventry was made attorney-general five days before the opening of the parliament of 1621, he was ordered to vacate his seat, as were also Heath in 1626 and Herbert in 1641.<sup>5</sup> After the Restoration, however, this order seems to have lapsed, and Sir Heneage Finch and his successors appear to have sat in the house of commons without any question being raised. Why this objection was taken to the attorney-general it is difficult to say, but, if Coke is to be trusted, neither the attorney nor the solicitor nor even the serjeants were welcomed in the lower house, for he says:

Further he wished that none of the King's learned counsel should be of the lower house for two respects: one, that their presence there was not well taken; the other, that there was great use of them above in the higher house.<sup>6</sup>

It was probably the latter reason that influenced the commons, and, if we may judge by an incident in 1589, there was some

<sup>1</sup> e.g. 27 June 1661 (*Lords' Journals*, xi. 290); 24 November 1680 (*ibid.* xiii. 686), where he is allowed to go down to the commons 'for this Morning only'.

<sup>2</sup> Coke, *Institutes*, iv. 47-8.

<sup>3</sup> *Commons' Journals*, i. 324, 22 November 1606.

<sup>4</sup> *Ibid.* i. 459, 11 April 1614. Though the order passed is not mentioned here, its existence can be seen from the reference to it on 8 February 1621 (*ibid.*, p. 513).

<sup>5</sup> *Ibid.*, pp. 513, 817; ii. 75.

<sup>6</sup> From Coke's opinion given in the meeting of the privy council called to consider the preparations necessary for the proposed parliament of 1615. Printed in Spedding, *Life and Letters of Bacon*, v. 200.

justice in their attitude. Certain members of the commons who had been sent to the lords on another matter

had also Order to desire of their Lordships in the name of the said House, that Mr. Solicitor being returned a Member thereof might be suffered to come thither and give his attendance in the same. To which desire of theirs their Lordships a little after sent down word by Mr. Serjeant Puckering and Mr. Attorney General to the said House, that the said Mr. Solicitor was called by her Majesties Writ to serve in the Upper House long before he was chosen a Member of the said House of Commons, and therefore thought it very fitting he should still continue his attendance in the said Upper House.<sup>1</sup>

It may be possible that the fact that the solicitor was eligible, while the attorney was not, represented a compromise by which the services of one law officer were more or less secured to each house, just as was suggested in the case of the two secretaries in 1540,<sup>2</sup> or it may have been the result merely of the commons' jealousy of a royal official.

(d) The whole body of serjeants-at-law had never received writs of assistance, which had always been confined to the small inner group of king's serjeants; <sup>3</sup> this was only to be expected, for it was the king's serjeants alone, and not the whole body, that had any special obligation to serve the Crown in legal matters. They were summoned quite regularly down to 1685, but, if the Parliament Pawns are to be relied upon, no writs of assistance were issued to serjeants from 1685 to 1710 inclusive.<sup>4</sup> There is no such gap as this anywhere else, and there seems to

<sup>1</sup> D'Ewes, p. 424, 3 March 1589; cf. also p. 441. In 1566 the commons had asked that 'Mr. Ric. Onselowe Esquire, Solicitor General to the Queen's Majesty . . . might be restored to join in their Election [of a Speaker] as Burgess for the Borough of Stening in Sussex'. The lords sent him down to the commons to explain for himself why he ought not to be regarded as a member, but he failed to convince them and was at once elected as the new Speaker. Here the disinclination seems to come from the solicitor-general himself, not from the lords (*Commons' Journals*, i. 73, 1 October 1566). In January 1581 'Mr. Treasurer declared unto the House before their proceeding to Election, that he and others had erst seen in the Higher House one that is a Member of this House, to wit, Mr. John Popham, her Majesty's Solicitor General, being One of the Citizens for Bristowe'. The commons considered the precedent of Mr. Onslow quoted above and decided to ask the lords to restore Popham to them; this the lords did, on the ground 'that he was a Member of this House [i. e. the commons], and this House possessed of him, before he was Solicitor, or had any Place of Attendance in the Higher House'. He was then elected Speaker (*Commons' Journals*, i. 117; D'Ewes, pp. 280-1). Sir Edward Coke, who held the office of solicitor-general from 1592 to 1595, was elected Speaker in the parliament of 1593, but D'Ewes says nothing of the attitude taken up by the lords on this occasion (D'Ewes, p. 469).

<sup>2</sup> See below, p. 368.

<sup>3</sup> All the king's serjeants seem to have been summoned, but, of course, as soon as they were raised to the bench they were summoned in the higher capacity, just as was a judge who happened also to be a peer.

<sup>4</sup> Parliament Pawns, bundle i, nos. 25-33; ii, nos. 1-4.

be no good reason to account for it, for, when the writs of summons to serjeants are resumed in 1713, they are issued with great regularity right down to the death of the last king's serjeant in 1866. Their duties in the house of lords were at first very similar to those of the attorney or solicitor general,<sup>1</sup> and like the latter they were always eligible for election to the house of commons;<sup>2</sup> but towards the end of the sixteenth century and throughout the seventeenth, they seem to do little more than carry bills and messages from the upper house to the lower.<sup>3</sup>

(e) In 1539 was passed an act for the placing of the lords in their due order of precedence when they were sitting in parliament, which lays it down that if the secretary and certain other officers of state

shalbe under the degree of a Baron of the Parliament, by reason wherof they can have noe interest to give any assent or dissent in the saide House, that then in everie such case suche of them as shall happen to be under the saide degree of a Baron, shall sitt and be placed at the uppermost parte of the sakk in the middes of the saide Parliament Chamber, eyther there to sytt uppon one fourme or uppon the uppermost sakk, the one of them above the other in order as is above rehersed.<sup>4</sup>

This seems to be the first suggestion that the secretary should sit regularly in the house of lords, and in 1545 Paget and Petre received writs of assistance for the parliament of that year;<sup>5</sup> and, if the Parliament Pawns are accurate, from that date till 1679 all but one of the secretaries of state who were not peers received writs of assistance.<sup>6</sup> There is no evidence, however, in the Pawns that these writs continued to be issued down to 1768 as Blackstone declared, and it is probable they ceased simply because, from 1679, one of the secretaries was almost always a peer and could therefore explain all that the upper house

<sup>1</sup> They even sometimes sat on a committee to which a bill had been sent by the lords; e. g. 3 October 1566 (D'Ewes, p. 99).

<sup>2</sup> The serjeants-at-law played a very considerable part in the house of commons; for example, eighteen Speakers between 1529 and 1640 inclusive were serjeants-at-law, and of these at least five were king's serjeants. It is important to notice that the Speaker in the sixteenth and seventeenth centuries was almost invariably a man learned in the law, and he very frequently attained afterwards to high judicial office.

<sup>3</sup> *Lords' Journals*, i. 613, 5 April 1563; iii. 74, 27 March 1621; iii. 188, 10 December 1621; iii. 339 (mispage 329), 4 May 1624.

<sup>4</sup> 31 Henry VIII, c. 10, sec. 8. The fact that the judges and other attendants of the lords are not mentioned in this act cannot be held to imply anything as to their position, for the act did not set out to name the attendants of the lords, but merely to settle the precedence of certain officers of state.

<sup>5</sup> Parliament Pawns, bundle i, no. 3. There is no Pawn for the parliament of 1542, so we cannot tell if the secretaries were summoned in that year or not.

<sup>6</sup> Of course it must be remembered that there are considerable gaps in the series of Pawns between 1545 and 1679 (see above); the name of Morice, the colleague of Sir Edward Nicholas, does not occur on the Pawn for 1661.

might want to know, without the necessity for calling upon his colleague to be present.

But it was very doubtful if the secretaries sat in the upper house as of right in consequence of the act of 1539, for this merely settled their position if they should happen to be there, and did not make it imperative for them to be summoned. That this was the view taken by the lawyers in 1640 is shown by the report of a reading given by a certain Mr. Jones at Lincoln's Inn in that year in which

it was questioned what honor was due to the Secretaries of State by Righte or favour as also whether they have any place de iure in the Upper House of Parlement; and that our Mr. Babor and Mr. Tailer undertook it, who concluded that they had no place in the Upper House unless made Barrons or cawled by writt.<sup>1</sup>

The secretaries were summoned to the upper house, as Sir Thomas Smith says, 'to aunswere of such letters or thinges passed in counsell whereof they have the custodie and knowledge';<sup>2</sup> but this was a function that had to be performed in the house of commons also, and it was probably for this reason that Henry VIII, when he appointed Sadler and Wriothesley secretaries of state in 1540, ordered that they were to retain their seats in the house of commons, sitting one in each house, alternately, by weeks.<sup>3</sup> This system does not seem to have lasted long, for it would be impossible during the greater part of Elizabeth's reign, when there was only one secretary, and in later years the secretaries who were not peers gave far the greater share of their attention to the commons. So far as one can judge from the Journals of the House of Lords, the secretaries who were summoned as attendants must have played the very smallest of parts in the upper house, if they ever attended at all. On one occasion, certainly, the secretary took part in the debate,<sup>4</sup> but this was not repeated.

(f) The fact that occasionally during the seventeenth century certain members of the privy council received writs of assistance presents an exceedingly difficult problem for solution, because there seems to be no definite rule which can be laid down as to when a privy councillor was summoned to attend the house of lords and when he was not. Historically, of course, the king could summon, if he pleased, any member of the council to be present in the upper house, because there the king was in his council in parliament; but in practice the Crown seems rarely to have exercised this right in the last four centuries, though the standing orders of the house of lords still speak of 'the

<sup>1</sup> State Papers, Domestic, Charles I, cccclvi. 25, 25 February 1640.

<sup>2</sup> Sir Thomas Smith, *De Republica Anglorum*, ed. by L. Alston, p. 51.

<sup>3</sup> Stowe MSS. 141, fo. 78.

<sup>4</sup> In 1548. See above, p. 360, n. 8.

Judges and such of his Majesty's Privy Council as are called by writ to attend'.<sup>1</sup> The cases when such summonses were issued are, in fact, so interesting in themselves that it is worth while quoting them in full. In 1624 writs of assistance were sent to Oliver Viscount Grandison (late lord deputy of Ireland), Robert Chichester of Belfast (late lord deputy of Ireland), Sir John Suckling (controller of the household), Sir Thomas Edmonds (treasurer of the household), and Sir Richard Weston (chancellor of the exchequer).<sup>2</sup> In 1625 writs were sent to four of the five privy councillors who had been summoned in 1624,<sup>3</sup> and, in addition, to Sir Robert Naunton (master of the court of wards), and to Sir Humphrey May (chancellor of the duchy of Lancaster).<sup>4</sup> In 1640 Charles Viscount Wilmot and Lord Newburgh (chancellor of the duchy) were summoned;<sup>5</sup> and finally, in 1685, Alexander Earl Murray and John Viscount Melfort (the Scottish secretaries of state) received writs of assistance dated two days after the opening of parliament.<sup>6</sup>

There is at once a temptation to say that these are privy councillors who had no seats in the house of commons and are therefore summoned to the lords, as Clarendon suggested had always been the custom;<sup>7</sup> but this is not the case. Indeed, every one of those privy councillors who were summoned in this way in 1624 and 1625, with the exception of Grandison and Chichester, sat in the house of commons also. And not only are these not instances that can be used to illustrate Clarendon's so-called 'custom', but there seems no good evidence that such a custom ever existed. In the first place, we have examined the careers of all the privy councillors between the years 1558 and 1660, and, with very few exceptions, each one of them sat in every house of commons that met between the date of his appointment to the council board and his death or promotion to the upper house, either as a peer or as a legal assistant; and even some of those few exceptions are explicable when the individual circumstances of the case are considered. Indeed, it may be said that it was looked on as part of the privy councillor's duty to sit in the commons on every possible occasion, so that Sir Henry Vane the elder was not exaggerating when he wrote of 'that burges

<sup>1</sup> Standing Order vi.

<sup>2</sup> Parliament Pawns, bundle i, no. 18. Robert Chichester should, of course, be Arthur Chichester; he had been made Lord Chichester of Belfast in February 1613. We are much indebted to Mr. Jenkinson of the Record Office for assistance in deciphering Chichester's name, for the Pawn is so stained in places as to be almost illegible.

<sup>3</sup> Chichester had died on 19 February 1625 (*Dict. of Nat. Biog.*).

<sup>4</sup> Parliament Pawns, bundle i, no. 19.

<sup>5</sup> *Ibid.*, no. 20. The second name is almost certainly Newburgh, but the Pawn is much discoloured.

<sup>6</sup> *Ibid.*, no. 25.

<sup>7</sup> See above, p. 356.

place which he, as a pryvy counsellor, would not bee destytute of'.<sup>1</sup> Furthermore, with the possible exception of the cases mentioned above of Grandison and Chichester in 1624-5 and Newburgh in 1640, we have found no record to show that any pryvy councillor was ever summoned as an assistant to the house of lords because he had no seat in the house of commons. Therefore, the truth of Clarendon's statement as to what the custom was must be denied.

Consequently we are driven back upon pure conjecture to account for the occasional presence in the lords of these members of the pryvy council, and the only thing that seems at all likely is that the cases in 1624-5 are part and parcel of the early Stuart policy of exalting the household and minor officials at the expense of the greater nobles. Why the Scottish secretaries of state were summoned in 1685 is still less plain, for there seems to have been nothing of particular importance to Scotland transacted in this parliament.

No account of the attendants on the peers would be complete, if mention were not made of the masters of the court of chancery. They do not appear on the Parliament Pawns, and therefore, presumably, did not receive writs of assistance, and, though they sat on the woosack,<sup>2</sup> they appear to have been distinctly subordinate in status to the other officials who attended the upper house. Their duties in this connexion consisted in carrying messages and bills from the lords to the commons,<sup>3</sup> and they never seem to have been consulted by the lords on matters of law, as were the other legal assistants. Moreover, the lords were prepared to insist upon their right of being constantly attended by some of these masters of chancery: not only did they have to get leave of the house if they desired to go into the country,<sup>4</sup> but on one occasion at least the gentleman usher is required to take into custody one of the masters 'for his Neglect of his attending this House';<sup>5</sup> and on another occasion the commissioners of the Great Seal are requested to take measures that the house may be daily attended by some of the masters of chancery.<sup>6</sup> They seem in fact to have occupied a position half-way between that of the sixteenth-century attendants as

<sup>1</sup> From a note by Sir Roger Twysden about Vane's efforts to get elected to the Short Parliament from Kent, printed in *Proceedings in Kent in 1640* (Camden Soc.), p. 6.

<sup>2</sup> See the seventeenth-century picture of the house of lords that serves as a frontispiece to D'Ewes.

<sup>3</sup> e. g. *Lords' Journals*, i. 548, 11 February 1559; i. 692-3, 22 May 1571; i. 740, 2 March 1575; iii. 130, 24 May 1621; iii. 327, 29 April 1624; iii. 339, 4 May 1624; iv. 387, 31 August 1641.

<sup>4</sup> e. g. *ibid.* v. 212, 15 July 1642; v. 214, 16 July 1642; of course the peers and the judges were also supposed to do this (see above).

<sup>5</sup> *Ibid.* v. 289, 15 August 1642.

<sup>6</sup> *Ibid.* ix. 543, 26 November 1647.



exemplified by the judges, and that of the persons whom we should call attendants at the present day.<sup>1</sup>

Hitherto we have dealt with writs of assistance that were issued by the Crown, but there are also two very interesting Pawns in this collection giving the writs that were sent out in 1658 and 1659 respectively, and the names of the persons to whom they were sent. As was pointed out above, they are in English, and are warrants for the preparation of the writs and not enrolments of them. Moreover, the senior assistant summoned is not, as was normally the case, the chief justice of the king's bench; in the Pawn for 1658 he was William Lenthall, master of the rolls, though he, as well as the chief justices of the king's bench and common pleas, was a peer in his own right. In 1659 the senior assistant was Sir Thomas Widdrington, chief baron of the exchequer. To the parliament of 1658 there were also summoned as assistants, two justices of the king's bench, three justices of the common pleas, three barons of the exchequer, and one serjeant-at-law; to that of 1659, two justices of the king's bench, two justices of the common pleas, and three barons of the exchequer.<sup>2</sup> The attorney and solicitor general and the secretary were omitted on each occasion.

In these two parliaments the lords made vigorous efforts to follow in full the precedents set by their more legitimate predecessors. The judges were called upon to assist at the lords' committees; <sup>3</sup> judges were entrusted with the drafting of a bill; <sup>4</sup> sometimes his highness's serjeant-at-law was to prepare the bill and two judges to peruse it and report it to the house; <sup>5</sup> messages were sent down to the commons by two judges, <sup>6</sup> for there appear to have been no masters of chancery in attendance; sometimes the judges asked the house for leave of absence, <sup>7</sup> and sometimes they seemed to stay away without troubling to consult the house.<sup>8</sup> In a way the whole procedure is an interesting commentary on the desire that was being felt to restore not merely the realities of the old constitution but even its ceremonial.

<sup>1</sup> Occasionally in the *Lords' Journals* the term 'assistant' is used merely in the sense of one who is present, and not with any technical meaning; for instance, Mr. Henry Barker, deputy to the clerk of the Crown in chancery, was 'admitted to sit in this House as an Assistant' on 26 April 1660 (*Lords' Journals*, xi. 5).

<sup>2</sup> See these Pawns at the bottom of bundle i.

<sup>3</sup> *House of Lords' Papers (Hist. MSS. Comm.)*, 1699-1702, pp. 527, 529, 530, &c. (this is an appendix containing the journals of the house of lords for 1658 and 1659).

<sup>4</sup> e.g. Mr. Baron Hill was to draft the bill for disannulling and disclaiming the pretended title of Charles Stuart (*ibid.*, p. 531).

<sup>5</sup> *Ibid.*, p. 530.

<sup>6</sup> *Ibid.*, pp. 511, 524.

<sup>7</sup> e.g. 5 March 1659 (*ibid.*, p. 545).

<sup>8</sup> The attendance of the judges during term time was dispensed with, unless they were sent for (25 January 1658; *ibid.*, p. 514), but on 30 March 1659 the daily attendance both of members and assistants was ordered (*ibid.*, p. 554).

In conclusion it is necessary to utter a warning: for the eighteenth and nineteenth centuries the Parliament Pawns are practically complete and therefore statements based upon them can be regarded as accurate, but in the series that covers the sixteenth and seventeenth centuries there are serious gaps; these gaps render any general statements in regard to those centuries of considerably less value than would otherwise have been the case, and unless they are based on other evidence they must always be read with this qualification in mind, though of course, if the same procedure is followed for some time before and for some time after the period for which no Pawns survive, it is fairly safe to assume that it was followed during that period also. Moreover, these Pawns sometimes look as though they had been rather hurriedly prepared, and therefore little stress can be laid on occasional omissions of an official who was otherwise regularly summoned.<sup>1</sup> But though all this must be borne in mind, it still is, we think, possible to deduce from these Pawns some general rules in regard to the summons of assistants to the house of lords.<sup>2</sup>

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<sup>1</sup> For example, no. 30 in bundle i is obviously unfinished, for the list of assistants breaks off in the middle of a name. See also above, p. 362, n. 1.

<sup>2</sup> After this article had gone to press our attention was drawn to a small book, Sir John Pettus, *The Constitution of the Parliaments in England* (1680), which enumerates, from the Pawn for the parliament of 1661-79, the various classes of persons who were summoned to the lords, and then discusses the reasons for their summons, ch. xiii (pp. 299-370) being devoted to the assistants. On the whole its statements agree with the conclusions that we have come to, and where we differ from them we feel that we do so on good grounds. On one matter, however, Pettus proves useful, for he points out that a lord keeper or a lord chancellor who was not a peer was summoned to the house of lords by a writ of assistance. This is confirmed by the Parliament Pawns: to the parliament of 1529 Sir Thomas More apparently received no writ of any description; we have no evidence about Sir Thomas Audley in 1536 or Sir Nicholas Bacon from 1558 to 1579, but Sir Thomas Bromley was called to the parliament of 1586 by a writ of assistance precisely similar to that sent to the judges except for the fact that he was addressed as 'Predilecto' instead of merely 'Dilecto'. Sir Christopher Hatton (for the parliament of 1588), Sir John Puckering (for that of 1593), and Sir Thomas Egerton (for those of 1597, 1601, and 1604) were all summoned by similar writs of assistance. For the parliament of 1624 Lord Keeper Williams received not only a writ of assistance but also a peer's writ as bishop of Lincoln, and this was repeated in 1625. In 1640 Sir John Finch was sent a writ of assistance for the Long Parliament, and in 1661 Hyde received both the writ of assistance and the peer's writ, a very curious case, though parallel to that of Williams in 1624-5. Arguing from Hyde's double summons, Pettus lays down the theory that if the lord chancellor or lord keeper 'be a Baron . . . he hath or may require a Baronial Writ besides this Assisting Writ' (pp. 215-16); for this theory there seems no sufficient foundation. For the parliament of 1695 Sir John Somers received a writ of assistance, as did Sir Nathan Wright for those of February 1701 and 1707, but for the parliament of December 1701 and for that of 1702 he was sent a peer's writ, though he was of course not a peer: another example, probably, of the careless ways the petty bag office was falling into at the beginning of the eighteenth century. Apparently the last lord keeper or lord chancellor to receive this writ of assistance was Sir Simon Harcourt in 1710.

## *The London West India Interest in the Eighteenth Century*<sup>1</sup>

**T**HE character of society in the West India Islands in the eighteenth century was, in some respects, very similar to that of Maryland, Virginia, and the Carolinas. Their trade was not competitive with that of the mother country; they had a staple product, sugar; their cultivation was carried on by slave labour. But between the society of the West India Islands and that of the southern colonies of North America there were two principal differences: in the West India Islands there was greater disproportion between the negro and the white populations, and amongst the proprietors of the plantations absenteeism was far more rife. These differences made the protection given by the mother country essential to the islands, as preventing not only foreign aggression, but also rebellion at home. The prevalence of absenteeism had also another result. The absentees formed at home a wealthy and influential body of men. In the London West India organizations of the eighteenth century they were an element which can have existed only to a very small degree in the societies connected with the North American colonies. The amalgamation of the West India planters in England with the London merchants trading to the West Indies

<sup>1</sup> The main authority for this article is a collection of minute books in the possession of the West India Committee (15 Seething Lane, E.C.). These are in two series and are dated as follows:

(a) West India Committee, Minutes, West India Merchants: vol. i, April 1769–April 1779; vol. ii, June 1779–August 1783; vol. iv, August 1794–December 1802. These are the minute books of the Society of West India Merchants, founded c. 1750 and continuing to 1843. They are referred to in the foot-notes as Merchants' Minutes.

(b) West India Committee, Minutes: vol. i, May 1785–December 1792; vol. ii, February 1793–April 1801. These are the minute books of the standing committee of West India planters and merchants, founded c. 1782 and continuing to the present day. They are referred to in the foot-notes as Standing Committee's Minutes.

Information has also been obtained from the records of a firm of West India merchants trading to Barbados, Messrs. Wilkinson and Gaviller (34 Great Tower Street, E.C.). These records comprise entry books of outgoing letters and account books; they commence in 1739/40 and are almost complete for the remainder of the eighteenth century. The firm is referred to in the foot-notes as Messrs. Lascelles and Maxwell, the name used in 1739/40.

gave to the society which they formed a strength that enabled it to exert an influence over British politics far greater than that of its contemporaries. And that society has had a continuous life to the present day, through all the economic and political changes through which the West India colonies have passed.

Certain definite results can be traced to this influence in the eighteenth century. Professor Pitman<sup>1</sup> has indicated its importance in the cases of the Molasses Act of 1733<sup>2</sup> and the Sugar Act of 1739,<sup>3</sup> and it was seen again in 1764 when the policy of the act of 1733 was further developed.<sup>4</sup> Yet, if these acts could have been enforced, the result to the prosperity of the New England colonies would have been serious. With the same object in view—the maintenance of the prosperity of the sugar plantations by increasing the demand for British sugar—opposition, by this time no longer uniformly successful, was organized to Pitt's Irish resolutions of 1786,<sup>5</sup> to the founding of a British company for trading at Sierra Leone in 1791,<sup>6</sup> and to the introduction of East India sugar in 1792.<sup>7</sup> Two other important objects of the West India interest can be traced in the eighteenth century. In time of war, constant representation to ministers of the danger to the islands, the necessity for increased squadrons and for convoys for the trade, had at any rate a considerable part in saving the islands from foreign conquest. And in the latter years of the century from 1788 onwards the whole force of the West India interest was employed to oppose the attacks then made on the slave-trade.<sup>8</sup>

Of this West India interest there were, as has already been indicated, two main sections, the planters resident in England and the London merchants trading to the islands. A third element must be mentioned, connected sometimes with one or the other of these two, that is the colonial agents. The first colonial agent<sup>9</sup> of any West India island appears to have belonged to Barbados. The history of his appointment is

<sup>1</sup> *The British West Indies*, pp. 254–63, 181–3, 187.

<sup>2</sup> 6 Geo. II, cap. 13.

<sup>3</sup> 12 Geo. II, cap. 30.

<sup>4</sup> 4 Geo. III, cap. 15.

<sup>5</sup> Chatham Papers, 352 (Public Record Office), Resolutions of West India Planters and Merchants, 24, 26 February, 9 March, 22 April, 6 May 1785. Also Standing Committee's Minutes, vol. i, 18, 31 May, 7, 14 June 1785. See also Holland Rose, *William Pitt and the National Revival*, pp. 255, 260.

<sup>6</sup> Standing Committee's Minutes, vol. i, 11, 13, 14, 17, 18, 19, 20, 23 May 1791.

<sup>7</sup> *Ibid.*, vol. i, 14, 20, 24, 28 February, 9–12 March, 17, 19, 20, 22, 31 March 1792.

<sup>8</sup> A sub-committee was appointed at a meeting of 7 February 1788 to deal with this matter, and its sittings are recorded at various periods during the remainder of the century (Standing Committee's Minutes, vols. i and ii).

<sup>9</sup> The term colonial agent has been used in its strict sense to indicate the representative resident in England of the planters and merchants of the islands: in most cases the appointment of an agent of the governor can be traced earlier.

interesting.<sup>1</sup> Already in 1670 there were a considerable number of gentlemen planters of that island resident in England, and certain of these wrote a letter to the deputy-governor, council, and assembly in December of that year giving an account of some matters in which they had been acting in the interest of the island and suggesting that an agent should be appointed.<sup>2</sup> They recommended that the assembly should

allow a Sallery to a person of some quallity who shall constantly attend the general Councelle and from time to time give notice to us what is in agitation Relating to Barbados and with our Advice draw up and prepare such things as are necessary, keepe a Register of the Orders drawne upon your treasury for money, and from time to time Remitt Coppys of them to you.

The assembly took the advice, and in April 1671 a letter addressed to the gentlemen planters stated that an agent had been appointed. The first reference to an agent for Jamaica that has been found is dated January 1676/7,<sup>3</sup> and even then his position is not clear, for it was not until 1682 that the custom of 'raising money for soliciting the affairs of this his majesty's island in England' commenced.<sup>4</sup> For the Leeward Islands the first trace of the agency appears in the year 1677.<sup>5</sup>

The gentlemen planters of Barbados in 1670 said that they advised that the agent should be some one whose interests were in Barbados: and this principle was fairly consistently followed for all the islands. The fact that the agent was so often an absentee planter or a merchant made the consultation by him

<sup>1</sup> The record of the correspondence here quoted is given in the Journals of the Assembly of Barbados, Colonial Office Papers 31 (2, 7 March 1670/1 and 20 April 1671).

<sup>2</sup> Voluntary action by planters and merchants in London appears in the cases of all the islands to have preceded the appointment of a paid agent. See Act appointing Commissioners and an Agent to Negotiate . . . the Affairs of the Leeward Islands . . . 8 Nov. 1690, Plantation Book, i (1677-1700), 163-5; also Colonial Office Papers 391 (1, 13 January 1675). See also Edward Long, *History of Jamaica* (London, 1774), i, 135-6. It is interesting to note that the merchants and planters of Jamaica in London appear to have suggested in the first instance the instruction to the governor of Jamaica to consent to the raising of money to pay the expenses of soliciting the affairs of the island in England (Colonial Office Papers 391 (3, 16 December 1680)).

<sup>3</sup> Colonial Office Papers 391 (1, 31 January 1676/7). Sir John Griffith is the agent referred to.

<sup>4</sup> *Journal of the Assembly of Jamaica*; Colonial Office Papers 140 (2, 34 Car. II, 4 October 1682).

<sup>5</sup> Colonial Office Papers 391 (2, 10 May 1677). An account of the negotiations resulting in the appointment of an early agent is given in J. C. Jeaffreson, *A Young Squire of the Seventeenth Century*, London, 1878. The book is compiled from a letter-book of C. J. Jeaffreson, a planter of St. Christopher, who came to England in 1682 and acted as agent for the island. The practice of appointing agents for single members of the Leeward Island group became general later; for Antigua it begins in 1698 (Plantation Book, ii (1700-2), 13-14). C. J. Jeaffreson was later (in 1690) appointed one of five 'commissioners' for the Leeward Islands (Plantation Book, i (1677-1700), 163-5).

of other persons interested in the island a simple and natural matter. Thus in 1707 the lords commissioners for trade and plantations applied to the agents of Jamaica and others interested for their opinion as to the time and strength of the convoy for the Jamaica trade, and the answer was signed by the two agents (Sir Gilbert Heathcote and Bartholomew Gracedieu) and twenty-four other merchants trading to Jamaica.<sup>1</sup> Two years later the agents and other merchants submitted to the lords commissioners for trade and plantations a proposal for forming certain settlements in the island of Jamaica.<sup>2</sup> In 1737 it appears that the agents of the sugar islands were directed by the lords commissioners to consult the merchants interested on the subject of certain negotiations with the court of France.<sup>3</sup> Other similar occasions could be cited throughout the century.

It does not appear probable that in the early years of the eighteenth century these agents and planters and merchants had any permanent organization. When necessity arose meetings were held so that joint action could be taken, but there was no continuity in their history. Before a permanent society could come into existence there were several interests which had to be reconciled one to another. There had to be harmony between the resident planters, whose representatives the agents were, and the absentees; and between the absentee planters and the merchants. There had, moreover, to be unanimity between those concerned in the various islands: no evidence has been found that the last point was the occasion of any difficulty.<sup>4</sup>

The only institution connected with the West India interest which is known to have been in existence at this time was the Jamaica Coffee House, in St. Michael's Alley, Cornhill, whose foundation dates probably from the last decade of the seventeenth century.<sup>5</sup> Here the masters of ships engaged in the Jamaica and Guinea trade called to collect letters, and were to be seen by merchants or others at stated hours. To this coffee house letters were addressed to the agents and probably to other merchants and planters from their correspondents in Jamaica,<sup>6</sup> and no

<sup>1</sup> Colonial Office Papers 138 (12, 13, 16 May 1707).

<sup>2</sup> *Ibid.* 30 May 1709.

<sup>3</sup> Brit. Mus., Add. MS. 22676, fos. 122-5.

<sup>4</sup> A possible source of difference is indicated in a letter-book of Messrs. Lascelles and Maxwell, 1752-4, letter dated 1 May 1753 to Thomas Stevenson & Sons: 'a Bill is ordered . . . for the better peopling and Cultivating the Lands of the Island of Jamaica, which the Ministry seems to have much at heart. If that can be compassed effectually, a plenty of sugar may hurt yours and the Leeward Islands in time. . . .'

<sup>5</sup> *General Advertiser*, Tuesday, 18 December 1750. Notice headed 'To all Persons Concerned in the Jamaica Trade', where reference is made to the existence of the coffee house for sixty years past.

<sup>6</sup> *Ibid.*, and Brit. Mus., Add. MS. 12431, fos. 116-17, 120-1.

doubt meetings were sometimes held here, to consult on the business of the island. But there is no indication that there was any regular organization for the transaction of affairs.

In the case of Jamaica, at any rate, there were serious difficulties in the way of a permanent organization. In the first place, the absentee planters and the merchants were far from being in agreement. There were occasions when, though they both took action on a matter, their influence was exerted in opposite directions. In 1709, when, as has already been mentioned, the merchants drew up proposals for settling certain people on the island, a counter-proposal was submitted by two persons 'on behalf of themselves and other planters'.<sup>1</sup> But we get the most authoritative statement on this point in 1725 from James Knight, an agent of Jamaica.<sup>2</sup> He writes from London to a correspondent in Jamaica an account of 'the method that the Virginians take, in managing their affairs, which are under the best regulation of any of the colonies'. The colony of Virginia had two paid agents

who constantly meet the planters and merchants twice a month, and consult with them what is proper to be done for the Service of the Country: they very Justly Consider their Interest the Same and dependant on each other, therefore go hand in hand, without any clashing or Jealousie: a Treasurer is Appointed to pay the Charges, and receive the Contribution of a C[harge] per hogshead on every hogshead imported.

The agent says that he does not think such a plan possible for Jamaica, owing to the 'Suspensions and Animosities, when the Gentlemen of our Island in England and the Merchants meet together'. He suggests that his correspondent may be able to think of some means for overcoming these difficulties, 'especially if the assembly have a greater regard to the trading Interest, which is most capable of serving the Island here'. Apparently it was some years before the expectation of James Knight was fulfilled. In 1745 we still find traces of antagonism between merchants and planters: this time the evidence comes from a merchant trading to Barbados,<sup>3</sup> and he is speaking of the islands generally, so perhaps we may conclude that Jamaica was in no way peculiar in this respect. He complains that the planters in England, although they 'have certainly no authority from the People residing in the plantations to act as their representatives here . . . seem to assume it to themselves as

<sup>1</sup> Colonial Office Papers 138 (12, 2 and 3 August 1709).

<sup>2</sup> Brit. Mus., Add. MS. 22677, fos. 1-2. The letter is unsigned, but is the same hand as the following letter which is endorsed as being written by Mr. Knight. It is also referred to in the catalogue of Add. MSS. and more definitely in the index to the catalogue (1854-75) as by Mr. Knight.

<sup>3</sup> Letter-book of Messrs. Lascelles and Maxwell, 1743-5.

a right'.<sup>1</sup> Yet more decisive is a reference of a group of planters in the same year to the 'many . . . Instances . . . where the Planting and Mercantile Interest Clash'.<sup>2</sup> No later trace has been found of this lack of harmony, and it probably disappeared soon after this date. There remained, nevertheless, the other great difficulty which delayed the growth of the West India society which we find later in the century—the disputes between the resident planters and the absentees. In 1750 there were numerous hearings before the lords commissioners for trade and plantations of the agent for Jamaica, John Sharpe, on behalf of the resident planters, and a certain Mr. Paris on behalf of the absentees. The point in dispute was the so-called Deficiency Acts passed by the legislature of the island; these required that a certain proportion should be maintained on every estate between the whites and the slaves, a fine being exacted as penalty; and where the owner of the plantation did not reside on the island a larger proportion of whites was prescribed. The absentees argued that the acts were contrary to an instruction issued to the governors of the islands in 1748. For a long time the matter was discussed, until finally in 1764 it was decided in favour of the absentees.

Although it is true, however, that these disputes had to be settled before the final form of organization could be developed, they did not prevent some degree of organization in earlier years, nor, as we have already seen, joint action by planters and merchants when occasion demanded. In 1733 and again in 1739 the West India interest secured strong support from parliament. Details are lacking as to the means by which these measures were obtained. We can trace, indeed, the petitions of the planters and merchants, the evidence given by them, and we know their final triumph: but at the manner in which the influence at the disposal of the petitioners was manipulated we can only guess. Valuable assistance is afforded by evidence relating to the years 1740 to 1745.

At some time previous to 1740 there came into existence the Planters' Club. William Beckford, writing to James Knight from Spanish Town on 11 October 1740, says:

I am glad to find our Club at Lebechs continues. It is very proper that a Number of Gentlemen should meet together in order to consult on Everything that shall be thought of for the good of their Country;<sup>3</sup>

and again, ten months later, 'I am glad to hear our Club still

<sup>1</sup> Letter-book of Messrs. Lascelles and Maxwell, 1743-5, p. 249, letter dated 2 March 1744/5 to John Fairchild.

<sup>2</sup> Colonial Office Papers 177 (5, 16 October 1745).

<sup>3</sup> Brit. Mus., Add. MS. 12431, fos. 116, 117.



subsists'.<sup>1</sup> That this is the institution generally referred to as the Planters' Club is confirmed by the account given of its origin by the club itself in a letter received by the council of Montserrat in 1745 :

The sugar planters that Reside in England being Desirous to promote the Interest of the Sugar Colony's in every Branch of it, as far as Lay in their Power ; and to put a stop to many abuses that had Crept into the Sugar Trade, thought that the first step to be taken for promoting these ends, wou'd be, for the Gentlemen belonging to the several Islands, to Unite into one Body ; and Accordingly they did some Years ago, form themselves into a Society in London, which takes the Name of the Planters Club.<sup>2</sup>

The letter was signed by twenty-eight persons, amongst them William Beckford and James Knight.<sup>3</sup>

The Planters' Club was probably at this time the only permanent organization of the West India interest in existence. But in the year 1743/4, only a few years after the great triumphs of 1733 and 1739, we have a detailed account<sup>4</sup> of the method taken by the planters and merchants to attain their ends, and it is clear that the Planters' Club, although it joined in the business, was by no means the predominant element. The leaders were John Sharpe, the agent for Jamaica and Barbados, and Samuel Martin, the agent for several of the Leeward Islands. The incident to which the description relates is well known :<sup>5</sup> Pelham proposed to place an additional duty of 2s. 6d. per cwt. on all sugar imported, and on 13 March a motion to this effect was introduced into the committee of supplies. Long before this the duty had been 'much talked of'. William Beckford wrote to James Knight from Spanish Town on 18 June 1743, 'should the parliament propose laying an additional Duty of 2/4d. [sic] per cent. [sic] on sugar Adieu to all new settlements'.<sup>6</sup> Six months later the danger had become urgent and vigorous measures were taken to withstand it. The merchant trading to Barbados, whom we have already quoted, describes what these were. First, a case was drawn up showing the grounds on which the tax was opposed, and the agents presented it to Mr. Pelham.

<sup>1</sup> *Ibid.*, fos. 120-1.

<sup>2</sup> Minutes of Council of Montserrat, Colonial Office Papers 177 (5, 16 October 1745). The club was supported by voluntary subscriptions.

<sup>3</sup> See also *Journals of Assembly of Jamaica* ; Colonial Office Papers 140 (33, 21 Geo. II, 16 April 1747), where the agent is directed to consult certain members of the Planters' Club, including Beckford and Knight. Further references to the club exist in Colonial Office Papers 177 (5, 26 August 1745 ; and 9, 20, 13 February 1748/9).

<sup>4</sup> Letter-book of Messrs. Lascelles and Maxwell, 1743-5.

<sup>5</sup> See Pitman, *The British West Indies*, pp. 187-8, n. 67.

<sup>6</sup> Brit. Mus., Add. MS. 12431, fos. 125, 126. Cf. letter published in the *London Evening Post*, Thursday, 16 February to Saturday, 18 February 1744, under same date.

He said, he would carry it with him into the Country, where he was going during the Holy Days, and read it; but whatever his own sentiments might be, the rest of the ministry were of opinion that an additional Duty upon sugar, would be born by the Consumers, and it was resolved therefore to bring a Bill for that purpose into the house, the case was then published. . . . The printed case has been sent to the respective house of every Member of Parliament in Town. The Agents, Planters and Merchants, have also agreed and divided themselves into several small parties to attend upon the several Members, and many of them have already been addressed upon the Subject and every one of them will be solicited personally, before the Bill comes into the House, All people that have any Interest with such as have Influence with Members are also Courted, and People in general seem to think as we do, in opposition to the Bill. Copies of the case have also been dispersed to the several sea ports of the Kingdom, besides publishing it in the Evening Post, and nothing shall be wanted to make the clamour popular, and if possible to get this d—d Bill as much abhorred as the Excise Scheme.<sup>1</sup>

In another letter of the same date, 17 January 1743/4, the merchant states that 'there have been for some weeks passed frequent meetings of the Agents, Planters and Factors, interested in the Sugar Colonies'. One of the partners of this firm of merchants was a member of a 'Committee' which went round to visit the members of parliament at their houses. A letter describes their experiences:

Our George Maxwell with three more, had the City Members in their beat this morning, and really some of them are odd people, but they were all of our side, but not to be much regarded, as they are of the Minority that oppose the Court. We found a d—lish staunch Man for us, whom Mr. Knight used to call by the name of forty-one Heathcott, but that Man would have been of our side without any regard to the merit of our Cause merely to gratify his own natural propensity to opposition.<sup>2</sup>

The next day

George Maxwell with the same three deputies had the Quarters of 30 and odd Members to beat up. . . . The Courtiers were extremely civil, and said they had read our Pamphlet, which they thought well wrote, but as they were not versed in the knowledge of Trade, they must suspend their opinion till our arguments came to be debated in Parliament, and they assured us they had great tenderness for Trade, and especially for that of the Sugar Colonies.<sup>3</sup>

Among the members visited were two of especial interest, Dodington, of whom we learn that 'he wants as much to be a Courtier again as any one, and was they say refused, absolutely by the King to be taken in upon the last Change, because he had

<sup>1</sup> Letter-book of Messrs. Lascelles and Maxwell, 1743-5, pp. 82-3, letter dated 17 January 1743/4 to General Appplewhaite.

<sup>2</sup> *Ibid.*, p. 85, letter dated 17 January 1743/4 to James Bruce.

<sup>3</sup> *Ibid.*

treated Lord of Orford with the utmost ingratitude';<sup>1</sup> and Admiral Vernon, who said he would support the tax; he knew that 'the Duty would fall upon the Planter', but 'they would otherwise be for raising money by a Tax upon the People here, which would effect [*sic*] himself, and concluded that his shirt was near him, but his skin was nearer'.<sup>2</sup> He 'is not heard of scarcely, but in the house of commons, where he is a frequent but a very bad speaker, and there they will hardly bear to hear him, although he makes a noise, and declares he will be heard, and the house grows thin as soon as he begins'.<sup>3</sup>

After all these efforts the planters and merchants were not at all certain of victory. They secured the support of William Pitt, 'the leading Member of the Opposition', and drew up a brief for him to speak against the tax. Further, they obtained a promise of help from the Scottish and Irish members. The latter were gained by an undertaking, given apparently by the gentlemen of the Planters' Club, to support in return a tax on foreign linens which would serve to protect the Scotch and Irish linen industries.<sup>4</sup> The combination of interests was successful: the motion was carried against the ministry. The picture is clear: the merchants and planters divided into groups 'beating up' the residential parts of the city; their well-written case, with, as some one comments, more assertion than argument, the ministerial party professing to be unable to understand it until they have heard the debates in the house; their difficulties in the face of the intrigues of Dodington and the vociferous declamation of Admiral Vernon. But this is not all. The organization was merely temporary: the time was not yet come when the old jealousies were laid aside, and a permanent society could be formed including both planters and merchants.

Fifteen years later, the first definite trace appears of an organization of the West India interest other than the Planters' Club. This organization was generally known as the Society of West India Merchants, a title that suggests analogy to the Society of London Merchants trading to Virginia and Maryland which seems to have developed at about the same time.<sup>5</sup> The

<sup>1</sup> *Ibid.* See also *Walpole Letters*, ed. Toynbee (Oxford, 1903-5), i. 154, n. 6, 165, 188-9.

<sup>2</sup> Letter-book of Lascelles and Maxwell, 1743-5, p. 119, letter dated 12 February 1743/4 to George Hannay.

<sup>3</sup> *Ibid.* The letter continues: 'He uses many expressions peculiar to himself. He says Cardinal Fleury was an old Jesuitical son of a — . . . that no Nation this side H—1 is so much in Debt as this Nation, and was himself a single Man he would leave it and go to new England, which he calls the Land of Canaan, and he foresees this country will be ruined very soon by exorbitant Taxes.'

<sup>4</sup> *Ibid.*, p. 95, letter dated 17 January 1743/4 to John Fairchild; and p. 249, letter dated 2 March 1744/5 to John Fairchild.

<sup>5</sup> Reference to this society is made in the Chatham Papers, 95. See also Merchants' Minutes, vol. i, meeting of 4 July 1769.

first reference that has been found relates to the year 1760.<sup>1</sup> Under that date there is a letter among the Newcastle Papers in the British Museum in which it is stated that 'The Agents of the Colonies and the West India Merchants' wished to be permitted to wait on the duke of Newcastle with a memorial. The letter is signed 'Beeston Long, Chairman of the West India Merchants'.<sup>2</sup> Six years later the West India merchants invited the duke of Newcastle to a dinner, and a letter on the subject has been preserved from the duke of Newcastle to Mr. Long.<sup>3</sup> These letters could not perhaps be taken as proof of the existence of a permanent and organized society of the West India interest if it were not that from 1769 onwards there have been preserved the minutes of its meetings. These are now in the possession of the direct descendant of the society—the West India Committee.

The first entry in the minute books is under date 11 April 1769. By that time it is evident that the society has been in activity sufficiently long for its constitution to be taken as a matter of course. All our conclusions as to the form of the society have to be deduced from a study of the business transacted, the methods by which the society worked, and the information given as to the persons present at the meetings. It is characteristic of the whole development of the organized West India interest that there is no trace throughout the eighteenth century of any rules other than those of custom: in 1829 and again in 1843 there were constitutional reforms, but these are the earliest on record. Nevertheless, we can get from the minutes a tolerably clear and detailed account of the nature of the society. The meetings were held normally once a month, but departures from this practice appear to have been frequent. There was no regular locality for the meetings, a room at the office of the Marine Society<sup>4</sup> being the most usual meeting-place. The exact basis of membership of the society is difficult to determine; probably there was no definite system of admission until the last ten years of the century.<sup>5</sup> By 1792 it had become usual for the names of new members to be proposed and seconded by existing members at a meeting of the society, and then after the lapse

<sup>1</sup> It is possible that the society had been in existence since 1746 or earlier, and that only its political activities are new in 1760; see below, p. 383, n. 5.

<sup>2</sup> Brit. Mus., Add. MS. 32902, fo. 458.

<sup>3</sup> Brit. Mus., Add. MS. 32975, fos. 416, 430. See also letter from Stephen Fuller, agent for Jamaica, Add. MS. 32975, fo. 400.

<sup>4</sup> A charitable organization for ministering to the widows and orphans of seamen: it was established in 1756; its present office is Clark's Place, Bishopsgate.

<sup>5</sup> At a meeting of 2 April 1771 it was resolved that 'the question of the admission of members to this meeting' should be considered next month, but when the time came the matter was postponed (Merchants' Minutes, vol. i, meetings of 2 April and 7 May 1771).

of a few weeks the new members were declared to be admitted. The title of the society indicates that the membership was confined to merchants. No doubt this was so, but it is very difficult to make any further decision as to the scope of the membership. A consideration of their own interests would probably, however, lead all the prominent merchants to attend the meetings. The attendance varied considerably; there were six or eight members in the early years of the society who were usually present, and there were also a very large number who attended more rarely, some very seldom indeed.

From the rule that all members of the society should be merchants even the colonial agents do not appear to have been exempt. One of the most constant attendants at the meetings was Stephen Fuller, the agent for Jamaica, and Richard Maitland, agent for Grenada, St. Vincent, and Tobago,<sup>1</sup> was also a member; but the agent for Barbados, George Walker, does not appear.<sup>2</sup> Stephen Fuller and Richard Maitland we know to have been merchants, and George Walker was an absentee planter, so it seems safe to assume that the agents were admitted as merchants and not in virtue of their agency. Nevertheless, the merchants who were also agents had a very prominent place in the society, and matters were frequently referred to them on the ground of their position as agents.<sup>3</sup>

The chairman of the society, in its early years, was, as has already been indicated, Mr. Beeston Long, of the firm Long, Drake and Long. There was a paid secretary, James Allen, without whose signature, it is stated in the minutes of the year 1776, no advertisement by the society should be taken as authentic.<sup>4</sup> The treasurer was a member of the society, Mr. Samuel Long, of the same family and firm as the chairman. The fund of which Mr. Samuel Long was treasurer gives a most valuable indication of the nature of the society. It was not merely a group of traders combined to further their own interests and to regulate the conditions of their trade: it was not merely the counterpart for the merchants of the Planters' Club. It shows a definite advance towards the fusion of interests that resulted in the formation of the West India Committee. The origin of the fund was the charge on trade,<sup>5</sup> an imposition similar

<sup>1</sup> Tobago after 1772.

<sup>2</sup> George Walker and his successor Samuel Estwick appear later when there are joint meetings of planters and merchants.

<sup>3</sup> e.g. in 1770, when the agent for Jamaica had submitted to him a petition relating to exorbitant fees said to be exacted at Savannah-la-Mar (Merchants' Minutes, vol. i, meeting of 2 October 1770).

<sup>4</sup> *Ibid.*, meeting of 2 April 1776.

<sup>5</sup> The charge had been levied for some time; in the year 1746, 'to prosecute the Fellows called Lampers, when detected in stealing sugars on board' (Letter-book

to that which James Knight describes as having been paid by the Virginia interest in 1725.<sup>1</sup> It was a charge of, normally, 1*d.* per cask of sugar or puncheon of rum or 1,000 lb. of coffee and in proportion for other goods brought into the port of London from the West India Islands; there was also a charge of 1*d.* per ton on the shipping employed in the trade:<sup>2</sup> the merchants paid it to the treasurer of the society. In the year 1777 it was stated that some gentlemen had omitted to pay it, and the secretary was directed to write to them impressing upon them the necessity for contributing their share of this 'the sole fund' of the society.<sup>3</sup> But though the merchants paid the charge it was the planters on whom the main burden of it ultimately fell. The merchants in all their transactions acted as the factors of the planters.<sup>4</sup> The sugar, &c., was shipped to the merchants at London, and they shipped back to the planters the goods required on the plantations; they sold the sugar and other goods at the best price they could get and sent accounts of sales to the planters, showing the various charges to which they had been subject and the net proceeds of the sales and how far these were exhausted in the value of the goods exported. And in these accounts of sales one item was 'pierage, primage and trade',<sup>5</sup> the last the import charge to which reference has been made.

of Messrs. Lascelles and Maxwell, 1745-8, letter dated 14 June 1746 to John Frere). A year earlier the Planters' Club stated that they had thought their expenses might be paid from 'the Old Fund of One penny per Hogshead' levied 'whenever it was called for'. They had abandoned the plan because in their care for the general interests of the islands they were sometimes at variance with the merchants: Colonial Office Papers 177 (5, 16 October 1745). Possibly before this time the charge was collected only on such occasions as the Sugar Act agitation, although for this some at any rate of the cost was paid by the islands through their agents. The Planters' Club in 1745 concerned themselves with the prevention of plunderage, and this suggests that the charge was paid to them in 1746; but their statement in 1745 seems to preclude this view: possibly the merchants had some form of association of which traces have not been found. Cf. the evidence of James Allen in 1796 before the committee appointed in that year on the trade and shipping of the port of London (*Reports of Commissioners: Port of London*, 1796, pp. 170-1). The West India Merchants raised a fund 'to defray the Expence of Prosecutions for Thefts committed on the River, and on the Quays, of West India Produce': and employed two constables on the quays to detect thieves.

<sup>1</sup> See above, p. 377.

<sup>2</sup> There are very few references to this charge on shipping in the extant minutes. The only references are: Merchants' Minutes, vol. i, meeting of 7 July 1778; *ibid.*, vol. iii, meeting of 23 May 1797; *ibid.*, meeting of 22 May 1799.

<sup>3</sup> Merchants' Minutes, vol. i, meeting of 6 May 1777.

<sup>4</sup> This was stated categorically by the merchants in a document drawn up by them in 1799 on the occasion of the loan made to them by the Bank of England (Minute Book of Committee appointed by a Meeting of the West India Merchants, 3 October 1799, meeting of 15 November 1799).

<sup>5</sup> The accounts of sales from which I have taken this information relate to the early years of the nineteenth century. There is a volume headed 'Barbadoes, Accounts, &c.' belonging to Messrs. Lascelles and Maxwell, which gives an example of an account of sales in 1806.

We have other evidence that the import charge was paid by the planters. In 1788 the anxiety caused by the attack on the slave-trade resulted in great activity on the part of the West India interest in London. It was found that the income resulting from the normal charge was not sufficient, and it was decided in 1789 to increase the rate from *1d.* to *6d.* and later to *1s.*<sup>1</sup> From 1792 to 1796 there were annual meetings to determine the amount of the charge; these annual meetings were of planters only, the merchants who paid but did not bear the brunt of the levy were not consulted. Further evidence still is afforded by negotiations carried on at this time with the out-ports. It was decided by the London organization<sup>2</sup> that application should be made to the societies at Liverpool, Lancaster, Glasgow, and Bristol for contributions to the expense of opposing interference with the slave-trade, and the contributions were to be obtained by a charge on imports. The merchants and planters of Glasgow objected; of Liverpool the most that can be said is that they were lukewarm, and, apparently, the attempt was dropped.<sup>3</sup> In 1799 it was directed that a request should be made to the planters whose goods were sent to the out-ports to pay the charge due to Mr. Long.<sup>4</sup> There can be no doubt that the only function of the merchants in connexion with the import charge was its payment to the treasurer.

As to the charge on shipping nothing very definite can be said. There is no reference of any increase in the charge until 1797, when it is raised to twopence.<sup>5</sup> The increase on this occasion was voted at a meeting of merchants, and not at the annual meetings of planters at which alterations in the rate of the charge on imports were made, and it may probably be inferred that the charge on shipping was paid by the merchants.<sup>6</sup>

It must be noted in connexion with the charge, that there

<sup>1</sup> Standing Committee's Minutes, vol. i, meetings of 24 April 1789 and 16 May 1792.

<sup>2</sup> *Ibid.*, meeting of 16 May 1792, and *ibid.*, vol. ii, meeting of 1 June 1793.

<sup>3</sup> In Bristol the charge was levied for a time. It was decided at a meeting held at the Merchants' Hall on 3 June 1789 that a charge of *6d.* per hogshead should be collected. This appears from a minute book now in the possession of the Society of Merchant Venturers, Merchants' Hall, Bristol. No evidence has been found as to the length of time for which the charge continued to be levied. The ordinary expenses of the Bristol West India Club (as re-established in 1782) were paid from an annual subscription of 5 guineas from each member.

<sup>4</sup> Standing Committee's Minutes, vol. ii, meeting of 20 May 1794.

<sup>5</sup> Merchants' Minutes, vol. iv, meeting of 23 May 1797.

<sup>6</sup> The only other class by which this charge could have been paid is the owners of vessels. There is the less likelihood of this, however, since there was a 'Society of Owners and Masters of Ships belonging to the Port of London, Associated for the Protection of Shipping of the said Port', consisting in 1785 of 'upwards of One hundred and Seventy Members' (*Journals of the House of Commons*, 25 Geo. III, 30 May 1785, xl. 1033).



was no absolutely impassable line between planters and merchants and shipowners. Sometimes, possibly frequently, the merchants were also owners of vessels employed in the trade, and sometimes, probably not very often, they were planters. It seems likely, however, that this double interest in the West Indies was less common in the eighteenth century than it was later. At any rate, it does not appear to have been sufficiently usual in the eighteenth century to account for the fact that a fund to which the planters were the main contributors was administered by a society of merchants. The explanation lies, more probably, in the fact already stated that the merchants acted in business and private affairs<sup>1</sup> as the representatives of the planters, and therefore it was regarded as natural that they should act as their representatives in the use of this fund. The main point at issue between the resident and the absentee planters—the Deficiency Laws—had been settled in 1764; the quarrels between the merchants and the absentees had disappeared. It was possible, therefore, for the Society of West India Merchants to act as the executive of the whole West India interest.

A consideration of the business undertaken by the society leads to the same conclusion. To a certain extent the meetings were taken up with matters of trade; they fixed the rates of freight outwards to the colonies, they concerned themselves in the prosecution of thieves on the wharves; later in the century they played a very prominent part in the institution of the marine police office.<sup>2</sup> But these were not their sole functions. In these early years they dealt with all kinds of business affecting the sugar colonies: for example, in 1770 they appointed a committee to promote the passing of the bill 'for the better enabling Aliens to recover Money lent in all His Majesty's Colonies in America':<sup>3</sup> and frequently sums of money were subscribed for the sufferers from a fire or a hurricane in one of the islands, or for the printing of some pamphlet on a subject in which the colonies were interested. The Society of West India Merchants did not falsify its trust.

In 1769 the Planters' Club was still in existence. Probably, however, it was always more social than political in character, and now that the merchants had developed so strong an organization it fell gradually into insignificance. In 1771 it was reported at a meeting of the merchants that some of the merchants had

<sup>1</sup> The merchants played a prominent part in recommending planters with whom they were connected to be members of council in the islands or holders of offices there. This appears from the Letter-books of Messrs. Lascelles and Maxwell and also from the Colonial Office Papers, especially Colonial Office Papers 391 (Board of Trade Journal).

<sup>2</sup> Merchants' Minutes, vol. iv, meeting of 12 January 1798 *et seq.*

<sup>3</sup> *Ibid.*, vol. i, meeting of 4 December 1770.



discussed a matter connected with the trade with a committee of the Planters' Club;<sup>1</sup> but this is the last reference that has been found. Within a few years of this the club either disappeared, or altered its character and name by the admission to its membership of merchants.<sup>2</sup> And in 1783 a notice was inserted in the press suggesting that planters should meet at a dinner to discuss the formation of a club, 'to consist of planters only'.<sup>3</sup>

For some years, then, the planters left the main share in the organization, by which the interests of the islands were promoted, to the merchants. Yet they were by no means idle. In the minute books of the merchants' society there are recorded, besides the monthly meetings of the merchants, and the meetings of committees appointed for some special purpose, certain general meetings of planters and merchants. These general meetings were apparently regarded as necessary when any alteration in the freight homewards from the islands was considered desirable; they met also when matters of particular interest or importance were afoot. There were other meetings of a similar character, which, for what reason we do not know, were not recorded in the minute books. An example of this occurred in the year 1775, when a series of meetings was held to consider what measures were necessary in view of the events that were taking place in North America. The history of these meetings is worth recording as illustrating the development of joint action by planters and merchants at this period.

At a meeting of the merchants on 3 January 1775, Mr. Long reported that he had received a letter from a number of 'Gentlemen of the West India Islands living in London' asking that the Society of West India Merchants would join with them in calling a general meeting of planters and merchants.<sup>4</sup> The merchants agreed, and next month it was reported that several meetings had been held. A general meeting was advertised for 18 January at the London Tavern, Bishopsgate Street:<sup>5</sup> and apparently a preliminary meeting was held on the 5th inst., when it was resolved that the London merchants and planters would join with the 'merchants, traders, &c., in the West India business, residing at Bristol' to concert what measures should be taken.<sup>6</sup>

<sup>1</sup> The nomenclature of all the societies dealt with is very varied. In the minutes of the merchants' society the same meeting is definitely referred to as having been requested by 'the British West India Society at the Thatched Tavern', and held with the committee of the Planters' Club (*ibid.*, meetings of 1 January and 5 February 1771). This looseness is indicative of their very gradual crystallization.

<sup>2</sup> In 1779 Admiral Keppel was invited to a dinner by 'the Society of West India Planters and Merchants' (*ibid.*, meeting of 23 February 1779).

<sup>3</sup> *Morning Herald and Daily Advertiser*, Thursday, 13 March 1783.

<sup>4</sup> *Merchants' Minutes*, vol. i, meeting of 3 January 1775.

<sup>5</sup> *Gazetteer and New Daily Advertiser*, Thursday, 5 January 1775.

<sup>6</sup> *Morning Chronicle and London Advertiser*, Friday, January 6, 1775. Statement

On the 18th the general meeting met, Mr. Beeston Long being the chairman : a committee was appointed to prepare a petition to the house of commons 'representing the alarming situation in which the West India islands are placed by the resolution of the congress, held at the city of Philadelphia in North America on the 5th of September 1774, and praying their interposition' : the committee was to report to another general meeting to be held on the 25th inst.<sup>1</sup> This meeting was held and the petition agreed to ; it was determined that Mr. Alderman Oliver should be requested to present it and that the committee before appointed should prepare evidence in its support. A third general meeting was held on 31 January, and this is noteworthy because it resolved that the committee should meet from day to day, adjourn as they thought fit, and call a general meeting when they considered it desirable.<sup>2</sup> On 6 February the power to summon a general meeting was exercised ; and a notice was inserted in the press that a general meeting was to take place the next day. The notice was signed by the members of the committee, eight in number ;<sup>3</sup> five of them (including the chairman) were among the gentlemen planters who signed the request to the merchants asking for a general meeting ; a sixth, George Walker, we know to have been a planter and the agent for Barbados, and of the remaining two neither was an attendant at the meetings of the merchants' society. If it be true that these eight members were the whole committee, the absence of merchants is noticeable, and lends some colour to a letter which appeared in the *Gazetteer and Daily Advertiser* of 17 January, violently condemning the merchants for their subservient relations with the planters.<sup>4</sup> It is, in any case, clear that it was far from being true at this time that the influence of the planters was overshadowed by that of the merchants.

No evidence has been found that the committee had anything but a temporary existence. When it again became necessary that general meetings should be held the matter proceeded very much on the same lines as before. In April 1778 two general meetings of planters and merchants took place, and at the second of these a committee of planters and merchants was appointed. On this occasion the chairman of the committee was Mr. Long, in whose house the committee met ; and several merchants were among the members.<sup>5</sup>

by Mr. Samuel Vaughan to 'American Merchants, assembled Wednesday at the King's Arms Tavern'.

<sup>1</sup> *Gazetteer and New Daily Advertiser*, Thursday, February 16, 1775.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Daily Advertiser*, Monday, 6 February 1775.

<sup>4</sup> *Gazetteer and New Daily Advertiser*, Tuesday, 17 January 1775. Letter signed J. Massie, addressed 'To the Merchants trading to, or interested in, our North American Colonies'.

<sup>5</sup> Merchants' Minutes, vol. i, meetings of 28 April 1778 and 29 April 1778.

These committees appointed at general meetings<sup>1</sup> show the direction in which the development is tending. From the repeated general meetings and their committees gradually a permanent organization is being built up, its activities supplementary to and in no way superseding those of the merchants' society. In 1782 we get another step towards the final form of organization. In the minutes of the meeting of merchants of January of that year there is inserted the copy of a petition of the West India planters and merchants to the king; the first signature is that of 'Nathaniel Bayly, Chairman'. Hitherto the chair at general meetings has always been taken by Mr. Long; he is here superseded by Mr. Bayly, who was a gentleman planter. In June of the same year two more general meetings were held, and at neither of them was Mr. Long in the chair: at the earlier of the two the chairman was Richard Pennant; and from this time there does not seem to have been a general meeting at which Mr. Beeston Long presided, and whenever Mr. Pennant is present he is in the chair.

At one of these meetings of 1782, there is a reference to the standing committee of planters and merchants, appointed presumably at one of the previous meetings. During the years 1782 to 1784 this organization takes permanent shape, and we get thus the standing committee, with Mr. Pennant (created Baron Penrhyn in September 1783) as chairman.

It is impossible to give the exact date at which the standing committee became a definite permanent institution, for unfortunately no minutes have been preserved to the West India committee for the period August 1783 to May 1785.<sup>2</sup> Certain manuscripts among the Chatham Papers<sup>3</sup> in the Public Record Office give evidence of the existence of a committee of West India planters and merchants in February and March 1784 and again in the same months of 1785. In March 1785 the names of the members of the committee are given; Lord Penrhyn was chairman, and Mr. Beeston Long one of the members. In April there was a meeting of 'the select committee', but there is no means of judging its relation to the former committee. The same term is applied to two meetings in May, after the minutes commence again, and then in June there was a meeting of the standing committee, henceforth the kernel of the association.

It is, as we have suggested, probable, though not certain,

<sup>1</sup> For the sake of clarity the term general meeting has been used to indicate a meeting of planters and merchants. In the minutes the term is used not only for this purpose, but in reference to ordinary meetings of merchants only or planters only as contrasted with committee meetings.

<sup>2</sup> See list of minute books, p. 373, n. 1.

<sup>3</sup> Public Record Office, Chatham Papers, 352.

that the standing committee was appointed in the first place at a general meeting. Additions to it were, we know, made from time to time by general meetings. It had, therefore, no constitutional connexion with the meetings of the merchants' society, though many of the members did in fact belong to both. This is an interesting point. The merchants' society had been in existence for over twenty years; its members had been active in promoting general meetings, but it received no recognized position at the constitution of the standing committee.

The standing committee, if we can judge from the minutes that have been preserved, did not meet regularly, but rather as business required. The chairman continued for the rest of the century to be Lord Penrhyn, the secretary was, as for the merchants' meetings, James Allen, and the treasurer, Mr. Samuel Long. The fund appears to have been the same as that from which the expenses of the merchants' society were paid.

The minute book in which the meetings of the standing committee are recorded contain also general meetings of the planters and merchants. These could meet only by summons from Lord Penrhyn.<sup>1</sup> There are also the meetings of numerous sub-committees appointed by the standing committee to deal with matters of special interest; the most important were those formed to deal with the agitation respecting the slave-trade and the scheme, finally brought into operation, for the construction of wet docks for the exclusive use of the West India trade.

Enough has been said already to indicate that with the growth of the standing committee of planters and merchants—the predecessor of the present West India Committee—the meetings of the Society of West India Merchants did not cease. The business undertaken by their meetings lessened considerably in scope during the last decade of the century, gradually becoming more and more confined to the regulation of trade: but the organization, however, continued as before. On the death of Mr. Beeston Long early in 1785, he was succeeded as chairman by Sir Richard Neave, Bart., who had been for some time deputy chairman; and Mr. Beeston Long's son, another Beeston Long, became deputy, and in turn succeeded Sir Richard Neave as chairman. The treasurer was still Mr. Samuel Long, and the secretary James Allen, son of the former secretary of the same name. The only meetings recorded in the minute books of the merchants' society are the monthly meetings and meetings of

<sup>1</sup> The earliest evidence for this statement is in connexion with a meeting of 21 December 1792 (Standing Committee's Minutes, vol. i). General meetings had formerly, however, ever since the beginning of the minutes of the standing committee in May 1785, been summoned by Lord Penrhyn.

sub-committees appointed by them: general meetings are recorded in the books of the standing committee. The merchants' meeting continued to have its separate organization until 1843; it was resolved at a meeting of that year that the continuance of a separate society was no longer necessary, and that such of its members as were not already members of the standing committee should be transferred to that body. Its long continuance is an interesting example of survival: the disagreement between planters and merchants resulted in the existence of separate meetings for nearly a century after the disagreement had disappeared.

The position during the last twenty years of the eighteenth century was then briefly this: there was a joint organization of planters and merchants; there was a separate society of merchants only; there were occasional general meetings of planters alone for specific purposes. There were also throughout the eighteenth century occasional meetings of the planters and merchants interested in one island or group of islands only.<sup>1</sup> These are sometimes recorded in the minute books, but sometimes we get no indication of them from this source. Frequently they were called by the agents in connexion with some business of special importance which was being transacted with the government. Perhaps the most interesting of these cases was in 1783, when the planters, merchants, and others interested in the island of Tobago held meetings to consider what action should be taken in view of the proposed cession of the island to France by the treaty of Versailles. The earl of Shelburne had recommended the appointment of an agent by the planters and merchants to represent the interests of the island at the court of France; <sup>2</sup> the advice was taken and assurances were obtained from the French ministers that favourable treatment should be accorded to the British planters.

Thus from various sources grew up the West India Committee, a powerful influence on British politics. In its final form it appeared only during the last eighteen years of the century; but long before that its way had been prepared by the practice of holding meetings to draw up petitions to the government. For many years nothing more definite than these occasional meetings could be developed owing to divergency of interest and

<sup>1</sup> See Minutes of the Council of Jamaica, Colonial Office Papers 137 (32, 18 and 19 December 1760); Journals of the Assembly of Jamaica, Colonial Office Papers 140 (46, 12 Geo. III, 20 November 1771); Merchants' Minutes, vol. ii, meeting of 28 November 1781. For the earlier half of the century the only evidence is the petitions and representations of the planters and merchants interested in the islands, the most fruitful sources for which are the series Colonial Office Papers 391 (Board of Trade Journals) and the *Journals of the House of Commons*.

<sup>2</sup> *Gentleman's Magazine*, vol. 53, January-June 1783, pp. 173, 535.

differences of opinion, but gradually these obstacles were removed and a society grew up in many respects similar to that of the present day. Many changes have, indeed, taken place in its constitution, but none so great as to break the continuity of development from the time when Lord Penrhyn was chairman of the standing committee, and James Allen carried round his minute books to the London Tavern, or the Marine Society's office, or the King's Arms Tavern in Cornhill.

Among the societies formed in the eighteenth century by the unincorporated branches of commerce, the West India Committee alone has survived to the present day. The history of its development is therefore interesting as throwing light on the methods by which such societies attempted to secure their ends in English political circles. It does not in itself wholly explain the peculiar success that attended the activities of the West India interest ; for this an investigation must be made of the membership of the West India organizations, and of the attendance recorded at general meetings, an investigation which would produce evidence to show the great strength in the house of commons commanded by those concerned in the West India Islands. There is, however, another interest that attaches to the narrative. Although in many ways the West India organizations, especially the Society of West India Merchants, were comparable to the numerous 'meetings or clubs . . . of the Turkey and Italian merchants, the Spanish, the Portuguese, the French . . .',<sup>1</sup> they had an importance shared only with 'the Virginia, the Carolina, New York, and New England merchants' in that they were connected with a group of British colonies, and an importance in which they had no rivals in that these colonies were not lost to Great Britain at the break-up of the old empire. The presence in London of the West India organizations ensured that the interests of the colonies should not be violated by the home government through lack of information : to make certain of this was primarily the function of the colonial agents, but a much smaller measure of success would have been attained had it not been for the assistance afforded by the other planters and merchants with their wide influence and constant communications from the leading inhabitants of the islands.

LILLIAN M. PENSON.

<sup>1</sup> *The Universal Spectator and Weekly Journal*, Saturday, 10 August 1734.

## *Notes and Documents*

### *A List of Original Papal Bulls and Briefs in the Department of Manuscripts, British Museum*

THE following list was originally intended for use in the Department of Manuscripts only; but after its compilation had been begun it was suggested that it might prove useful to a wider circle also. The department has hitherto possessed no single list of its bulls, which have therefore had to be looked for in many different places; and many of them could not be found at all without reference to the manuscript descriptions of charters. I hardly venture to hope that even the present list is quite complete, but I trust that omissions, if such there be, will prove to be few and unimportant; and in any case it will be of advantage to students of the papal chancery to have a handy guide to at least the great majority of the documents contained in the Museum collection.

I have included only original documents; and I have interpreted this principle, with what some may consider excessive strictness, as ruling out even copies made or authenticated by officials of the papal chancery itself. Only the actual letters and privileges issued under the pope's name are noticed. But even so there is room for some uncertainty. The Department of Manuscripts possesses a fair number of more or less private letters from various popes. Such letters, when written before the writer's elevation to the papacy, can of course be excluded without hesitation; but what of those written during tenure of the office? It is not as if any hard and fast line could be drawn. Some are purely private; but others deal with affairs of state, and the one class passes into the other by slight gradations.

After long hesitation it was decided to rule out all letters written in Italian or any other modern language, even when they deal with state business,<sup>1</sup> and on the other hand to include all written in Latin, even if they are in the pope's holograph. The principle is not perhaps capable of defence on logical grounds, but it seemed best to have a definite, if somewhat arbitrary, dividing line.

The single items in the list have, for purposes of reference,

<sup>1</sup> There is one exception to this rule, no. 197; see the foot-note there.

been numbered consecutively. The list is to be regarded merely as a summary guide to the material contained in the department, not in any real sense as a catalogue, with the apparatus which a catalogue should have. The arrangement of the single entries is as follows: after the serial number is given the date, expressed in modern fashion, not by ides and kalends and the years of the pontificate. In the case of privileges, which have the full dating clause, the name and titles of the official dating the document are given. Next comes a description of the document, expressed as briefly as is consistent with indicating its subject. In these descriptions the place-names, when they can be identified, are written in their modern forms, not in those which occur in the manuscripts; the practice with regard to personal names varies. Next are given details serving to indicate the character of the document; whether 'privilege', 'intermediate bull', 'letter of grace', or 'letter of justice'. Thus, *FIRST LINE* means that the whole first line is written in the enlarged minuscules characteristic of privileges or intermediate bulls; *LUCIUS* (e.g.), that only the pope's name is so written; *Lucius* (e.g.), that the pope's name is written in ordinary script. In the case of privileges, the presence of rota, monogram, subscriptions, and solemn formula *In perpetuum* is notified; in that of intermediate bulls the formula (e.g.) *Ad futuram rei memoriam*. If the bulla is preserved this fact is stated, with the further indication whether it is attached by silk threads (letters of grace) or string (letters of justice). 'Silk threads' (or 'string') 'of bulla' means that the bulla is lost but some part of the threads remains; 'Holes (2) for threads of bulla', that the holes (or slits) through which the threads were passed are preserved; 'Bulla lost', that by the cutting of the lower margin of the vellum (as in the bulls preserved in the Cottonian library under the number Aug. ii) the holes and all traces of the attachment of the bulla have disappeared. It should be added that in the case of briefs, which conform to a fixed pattern, such indications as those given for bulls have not been thought necessary; but the presence or absence of the *Anulus Piscatoris* is indicated. In all cases the enclosure of any word or words between square brackets signifies that the details in question are either lost or not given in the document itself and have been supplied by me.

After the information concerning the bulla is given the initium, consisting always of the first three words after the greeting. Next are given any references to publications or descriptions of the bull. Down to the end of the pontificate of Benedict XI it is possible to refer, first, to P. Jaffé, *Regesta Pontificum Romanorum* (2nd ed., 1885), and, later, to A. Potthast's continuation under the same title (1874); and it seemed unnecessary to refer



to publications, &c., noted in those works. For the later bulls there is no such continuous book of reference, and I have not thought it necessary to make any extensive search, referring only to the more obvious and accessible publications. Those most often used are such of the papal registers as have been published, Rymer's *Foedera*, Bliss and Twemlow's *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland*, and J. S. Brewer's *Letters and Papers . . . of the Reign of Henry VIII.*

To make the list more useful for purposes of reference I have added indexes. The first of these is a classified list of the documents according to their form (privilege, letter, brief, &c.). The subdivisions of the letters, which seemed necessary because of the great preponderance of that over any other form, are not, I fear, very satisfactory; but they will at least serve as a rough indication, and it is often useful, when dealing with a particular document, perhaps not very legible, to know what others of the same class are available. Thus, the last bull in the series, written as it is in the extraordinarily illegible script evolved by the papal chancery in the nineteenth century, could hardly have been read at all without the assistance of other mandates of the same kind.

The second index, of initia, requires no comment. The third contains: (a) the names of persons or bodies to whom bulls are addressed, (b) in the case of mandates and certain briefs, the names of the persons or bodies who are the subject of the letter, (c) in the case of a few bulls with no particular address and dealing with a quite general topic, the subject (e.g. in no. 221, the union with the Eastern Church; in 237, the abuse of the right of sanctuary).

In conclusion, I should like to express my thanks to Mr. Gilson and Mr. Herbert, Keeper and Assistant Keeper of Manuscripts, for much help in the preparation of the list, and to my colleague, Mr. Flower, for information regarding place-names in the bulls relating to Ireland and on several other matters.

H. IDRIS BELL.

URBAN II (1088-99)<sup>1</sup>

1. Tours, 24 March 1096; by John, cardinal deacon. Protection to St. Bertin's Abbey, St. Omer. FIRST LINE. Rota, monogram. *In perpetuum*. Silk threads of bulla. 'Pię postulatio uoluntatis'. [Jaffé 5628 (23 March), i. 686.] Add. Ch. 58421 (formerly Phillipps MS. 35827).

<sup>1</sup> The earliest ostensibly original bulls in the Museum are Add. MS. 12117 c, a letter on lead to the city of Bologna from Gregory III, A.D. 738, and Add. Ch. 1538, a confirmation by Gregory VII to Cluny (Jaffé 4975, i. 616); but the first (see Jaffé 2244, i. 259) is an obvious forgery, and the second is a copy, apparently from the register of Cluny the copyist having accidentally skipped from 'ut ipsum monasterium' in this bull (Migne 148, col. 667) to 'imperatorum' in that which followed in the register (*ibid.*, col. 668).

## PASCHAL II (1099-1118)

2. Lateran, 19 June 1112; by John, cardinal deacon, librarian. Protection to St. Bertin's Abbey, St. Omer. FIRST LINE. Rota, monogram, pope's subscription. *In perpetuum*. Holes (3) for threads of bulla. 'Ad hoc in'. [Jaffé 6322, i. 746.] Add. Ch. 58422 (Phillipps 35812).

LUCIUS II (1144-5)<sup>1</sup>

3. Lateran, 26 May 1144; by Baro, subdeacon. Protection to St. Bertin's Abbey, St. Omer. FIRST LINE. Rota, monogram, pope's subscription. *In perpetuum*. Bulla; silk. 'Ad hoc nos'. [Jaffé 8630, ii. 14.] Add. Ch. 62466 (Phillipps 36154).

EUGENIUS III (1145-53)<sup>2</sup>

4. Paris, 28 May 1147; by Hugh, cardinal priest, vice-chancellor. Protection to Waverley Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Holes (2) for threads of bulla. 'Apostolici moderaminis clementie'. [Jaffé 9060, ii. 43.] Lansd. Ch. 27.
5. Auxerre, 15 August 1147; by Guido, cardinal deacon and chancellor. Protection to Huntingdon Priory. FIRST LINE. Rota, monogram, subscriptions. The first line is now imperfect; Dugdale, whom Migne follows, gives *salutem* instead of *in perpetuum*, but this may be a misreading. Bulla lost. 'Quotiens illud a'. [Jaffé 9118, i. 46.] Aug. ii. 112. *Imperfect* at top right corner.
6. Auxerre, 9 September 1147; by Guido, cardinal deacon and chancellor. Protection to Sawtrey Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Silk threads of bulla. 'Religiosis desideriiis dignum'. [Not in Jaffé; New Pal. Soc., ser. i, pl. 46.] Cleop. E. i, fo. 123.

## ADRIAN IV (1154-9)

7. Benevento, 1 May [1156]. Mandate to Thetford Priory for appearance in trial of case between it and Belvoir Priory. Adrianus. Holes (2) for threads of bulla. 'Causam que inter'. [Not in Jaffé.] Harl. Ch. 43 A. 18.
8. Narni, 19 August [1156]. Mandate to archbishops of Vienne and Lyons on behalf of Soucilanges Abbey. Adrianus. Holes (2) for threads of bulla. 'Dilectus filius noster'. [Jaffé 10205, ii. 121.] Add. Ch. 1539.
9. Lateran, 'vi Non. Nov.' (*sic*), 1156; by Roland, cardinal priest and chancellor. Protection to Rufford Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla; silk. 'Quoniam sine uere'. [Not in Jaffé.] Harl. Ch. 111 A. 2.

<sup>1</sup> An earlier bull than 3 is Add. Ch. 13539. This, a bull of protection to the church of Ste. Madeleine at Besançon, is an imperfect copy; the original, dated 11 March 1120, is at Besançon. The whole bull is printed by U. Robert, *Bullaire du Pape Calixte II*, i. 224 [Jaffé 6830, i. 793]. (Add. Ch. 13539 is probably twelfth rather than thirteenth century, as Robert states.)

<sup>2</sup> Aug. ii: 50, a bull of protection to Westminster Abbey, dated 8 March 1146 [Jaffé 8878, ii. 31], is a forgery or perhaps a copy.

## ALEXANDER III (1159-81)

10. Anagni, 20 November 1160; by Hermann, subdeacon and notary. Protection to Rufford Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Silk threads of bulla. 'Pię postulatio uoluntatis'. [Not in Jaffé.] Harl. Ch. 111 A. 5.
11. Anagni, 22 January [1161]. Confirmation of composition between Lincoln and St. Albans. ALEXANDER. Holes (2) for threads of bulla. 'Ea que compositione'. [Jaffé 10647, ii. 152.] Harl. Ch. 43 A. 24.  
Terracina, 13 December [1161]. Confirmation of grant of Bishop's Cannings Church to dean and chapter of Salisbury. ALEXANDER. Silk threads of bulla. 'Iustis petentium desideriiis'. [Not in Jaffé.] Harl. Ch. 43 A. 23.
13. Tours, 27 November [1162]. Confirmation of a grant by Hen[ry II], king of England, to dean and chapter of Rouen. ALEXANDER. Bulla; silk. 'Iustis petentium desideriiis'. [Jaffé 10786, ii. 163.] Add. Ch. 54148.
14. Tours, 24 May [1163]. Confirmation of grant of Gokwelle to Thornholm Priory. ALEXANDER. Holes (2) for threads of bulla. 'Iustis petentium desideriiis'. [Not in Jaffé.] Harl. Ch. 43 A. 20.
15. Tours, 26 May 1163; by Hermann, subdeacon and notary. Protection to Horsham St. Faith Priory. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla lost. 'Religiosam uitam eligentibus'. [Jaffé 10863, ii. 168, where l. *Horshamense*.] Aug. ii. 136.
16. Tours, 10 June 1163; by Hermann, subdeacon and notary. Protection to Wroxall Priory. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Holes (2) for threads of bulla. 'Desiderium quod ad'. [Not in Jaffé.] Harl. Ch. 83 A. 21.
17. Sens, 8 September [1164]. Confirmation to Sawtrey Abbey of its possessions. ALEXANDER. Bulla lost. 'Iustis petentium desideriiis'. [Not in Jaffé.] Aug. ii. 116.
18. Montpellier, 14 July [1165]. Appeal for crusade in defence of the eastern church. Alexander. Silk threads of bulla. 'Quantum predecessores nostri'. [Jaffé 11218, ii. 194.] Cleop. E. i, fos. 115 b-116.
19. Lateran, 1 May [1166 or 1167]. Mandate to archbishop of York and bishops of Lincoln and Chester upholding exemption of Rufford Abbey and other Cistercian houses from payment of tithes on produce of their own labour. ALEXANDER. Bulla; silk. 'Audiuimus et audientes'. [Not in Jaffé.] Harl. Ch. 111 A. 3.
20. Frascati, 3 November [1170-2, or 1178, or 1180]. Confirmation of grants to Rufford Abbey. ALEXANDER. Bulla; silk. 'Iustis petentium desideriiis'. [Not in Jaffé.] Harl. Ch. 111 A. 4.
21. Anagni, 3 June 1176; by Gratian, subdeacon and notary. Protection to Sawtrey Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla lost. 'Religiosam uitam eligentibus'. [Not in Jaffé.] Aug. ii. 125.
22. Venice, 'in Riuo Alto', 18 July [1177]. Protection to Newhouse

- Abbey. ALEXANDER. Bulla lost. 'Sacrosancta Romana ecclesia'. [Not in Jaffé.] Harl. Ch. 43 A. 22.
23. Lateran, 4 July [1179]. Mandate to archbishops of Reims and Rouen, &c., on behalf of Foucarmont Abbey, to the same effect as 19. ALEXANDER. Silk threads of bulla. 'Audiimus et audientes'. [Jaffé 13452, ii. 349.] Add. Ch. 17840.
24. Segni, 22 July [1179]. Mandate to abbot of Vaudey in case concerning church of 'Cumba'. Alexander. Holes (2) for threads of bulla. 'Conquestus est nobis'. [Not in Jaffé.] Harl. Ch. 43 A. 19.
25. Frascati, 29 August [1179-80]. Confirmation of grants to St. Neots Priory. ALEXANDER. Silk threads of bulla. 'Iustis petentium desideriiis'. [Jaffé 13571, ii. 356.] Harl. Ch. 43 A. 21.
26. Viterbo, 9 July 1181; by Albert, cardinal priest and chancellor. Protection to Just-Mont Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Few silk threads of bulla. 'Quotiens a nobis'. [Jaffé 14411, ii. 417.] Add. Ch. 26066.

## LUCIUS III (1181-5)

27. Velletri, 17 March [1182 or 1183]. Confirmation of Glentworth and Saxilby churches to Newhouse Abbey. LUCIUS. Bulla lost. 'Iustis petentium desideriiis'. [Not in Jaffé.] Harl. Ch. 43 A. 25.
28. Anagni, 22 September 1182[3];<sup>1</sup> by Hugh, notary. Protection to church of St. Thomas the Martyr at Crépy. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla; silk. The silk by which the bulla is at present attached to the document is not original. 'Effectum iusta postulantibus'. [Jaffé 14914, ii. 457.] Add. Ch. 12833.
29. Veroli, 23 April 1184; by Albert, cardinal priest and chancellor. Protection to Royston Priory. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla lost. 'Quociens a nobis'. [Not in Jaffé.] Aug. ii. 124.
30. Verona, 18 January [1185]. Confirmation of Haddington Church to St. Andrew's, Priory. LUCIUS. Holes (2) for threads of bulla. 'Iustis petentium desideriiis'. [Jaffé 15352, ii. 484.] Cott. Ch. xviii. 31.
31. Verona, 15 March 1184/5; by Albert, cardinal priest and chancellor. Protection to Sawtrey Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla lost. 'Religiosam uitam eligentibus'. [Not in Jaffé.] Cleop. E. i, fos. 118 b-121.
32. Verona, 21 March [1185]. Declaration to all ecclesiastical authorities upholding exemption of Cistercian monasteries from payment of tithes on produce of their own labour. LUCIUS. Bulla lost. 'Audiimus et audientes'. [Jaffé 15391, ii. 486.] Aug. ii. 126.
33. Verona, 1 April [1185]. Letter to the Cistercian Order, granting special privileges to abbots of the order. LUCIUS. Bulla lost. 'Cum ordo uester'. [Not in Jaffé.] Aug. ii. 120.

<sup>1</sup> The year of the Incarnation is given as 1182, but the indiction is the first, and the year of the pontificate the third.

## URBAN III (1185-7)

34. Verona, 26 February [1186 or 1187]. Confirmation to Elstow Abbey of Herringworth Church. URBANUS. Bulla lost. 'Iustis petentium desideriiis'. [Jaffé 15802, ii. 515<sup>1</sup>.] Harl. Ch. 43 A. 17.
35. Verona, 21 March [1186]. Confirmation of chaplaincy of church of St. Vivian 'de Brolleto' (diocese Saintes) to Cluny Abbey. URBANUS. Holes (2) for threads of bulla. 'Iustis petentium desideriiis'. [Jaffé 15569, ii. 499.] Add. Ch. 1540.
36. Verona, 18 November 1186; by Albert, cardinal priest and chancellor. Protection to Margam Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Holes (2) for threads of bulla. 'Religiosam uitam eligentibus'. [Jaffé 15696, ii. 507.] Harl. Ch. 75 A. 1.

## GREGORY VIII (1187)

37. Parma, 27 November 1187; by Moyses, canon of the Lateran, vice-chancellor. Protection to church of St. Denis, Issoudun. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Holes (2) for threads of bulla. 'Quociens a nobis'. [Jaffé 16069, ii. 532.] Eg. Ch. 113.

## CLEMENS III (1187-91)

38. Lateran, 27 February 1188. Confirmation of right of Cluny to control election of abbots of S. Benedetto. CLEMENS. Bulla lost. 'Priuilegiis que a'. [Jaffé 16161, ii. 541.] Add. Ch. 1541.
39. Lateran, 15 March 1188. Confirmation of agreement between St. Albans Abbey and Lincoln. CLEMENS. Holes (2) for threads of bulla. 'Cum inter uos'. [Jaffé 16175, ii. 542.] Harl. Ch. 43 A. 27.
40. Lateran, 19 May 1188. Grant to St. Albans Abbey of the right that appeals shall not be made from its courts except to the Roman church. CLEMENS. Small remains of the silk threads of the bulla. 'Quia monasterium uestrum'. [Jaffé 16239, ii. 545.] Harl. Ch. 43 A. 26.

## CELESTINE III (1191-8)

41. Lateran, 29 July 1192. Confirmation of churches and privileges to Royston Priory. CELESTINUS. Bulla lost. 'Sacrosancta Romana ecclesia'. [Not in Jaffé.] Aug. ii. 130.
42. Lateran, 6 May 1193. Exemption to St. Albans Abbey from compulsion to continue (voluntary) offerings for assistance of Jerusalem. CELESTINUS. Holes (2) for threads of bulla. 'Cum uobis et'. [Jaffé 16992, ii. 597.] Harl. Ch. 43 A. 28.
43. Rome, St. Peter's, 7 May 1194. Release of Bromholm Priory from subjection to Castle Acre Priory. CELESTINUS. Holes (2) for threads of bulla. 'Cum teneamur de'. [Jaffé 17096, ii. 604.] Harl. Ch. 43 A. 29.
44. Rome, St. Peter's, 23 May 1194. Confirmation of churches to Furness

<sup>1</sup> The date is 'iiij kl. Martij'. The text in Dugdale, *Monasticon Anglicanum*, ed. 1821, iii. 413, omits the 'kl.'

- Abbey. CELESTINUS. Bulla lost. 'Sacrosancta Romana ecclesia'. [Jaffé 17106, ii. 605.] Harl. Ch. 83 A. 22.
45. Rome, St. Peter's, 19 November 1194. Prohibition to bishop of Lincoln to impede St. Neots Priory in its possession of Eynesbury and Turvey churches. CELESTINUS. Silk threads of bulla. 'Sacrosancta Romana ecclesia': [Jaffé 17164, ii. 609.] Cott. Ch. xii. 39.
46. Lateran, 25 February 1195. Confirmation of churches, &c., to Sawtrey Abbey. CELESTINUS. Bulla lost. 'Iustis petentium desideriiis'. [Not in Jaffé.] Aug. ii. 115.
47. Lateran, 8 April 1195; by Cencius, cardinal deacon and chamberlain. Protection to Sawtrey Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla lost. 'Religiosam uitam eligentibus'. [Not in Jaffé.] Aug. ii. 111.

## INNOCENT III (1198-1216)

48. Ferentino, 20 June 1203. Letter to the archbishop, suffragans, &c., of the province of Canterbury, to proceed against persons injuring Sawtrey Abbey. INNOCENTIUS. Bulla lost. 'Non absque dolore'. [Not in Potthast.] Aug. ii. 127.
49. Rome, St. Peter's, 23 December 1205. Confirmation of Sawtrey Wood to Sawtrey Abbey. INNOCENTIUS. Bulla lost. 'Iustis petentium desideriiis'. [Not in Potthast.] Aug. ii. 121.
50. Lateran, 3 November 1206. Mandate to the suffragans, &c., of Reims on behalf of Foucarmont Abbey, to the same effect as 23. INNOCENTIUS. Silk threads of bulla. 'Audiuimus et audientes'. [Not in Potthast.] Add. Ch. 17842.
51. Lateran, 3 November 1206. Further letter to the suffragans, &c., of Reims on behalf of Foucarmont Abbey. INNOCENTIUS. Silk threads of bulla. 'Non absque dolore'. [Not in Potthast.] Add. Ch. 17843.
- 51a. Lateran, 1 (?) May<sup>1</sup> 1207. Protection to Grany Priory. INNOCENTIUS. Silk threads of bulla. 'Iustis petentium desideriiis.' [Potthast 3095a-25551, ii. 2050.] Add. MS. 4792, fos. 114-115.
52. Ferentino, 14 October 1208. Letter to the archbishop, suffragans, &c., of the province of Canterbury on behalf of Caerleon Abbey, to the same effect as 50, &c. INNOCENTIUS. Holes (2) for threads of bulla. 'Audiuimus et audientes'. [Not in Potthast.] Add. Ch. 20406.
53. Lateran, 17 February 1209. Confirmation of Clavering Church to Prittlewell Priory. INNOCENTIUS. Bulla lost. 'Solet annuere sedes'. [Not in Potthast.] Harl. Ch. 43 A. 30.
54. Lateran, 4 November 1213; by Rainaldus, acolyte and chaplain to the pope. Bull accepting the kingdom of England and Ireland from King John. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla; silk. 'Rex regum et'. [Potthast 4843, i. 422.] Cleop. E. i, fo. 149.
55. Rome, St. Peter's, 21 April 1214; by Rainaldus, acolyte and chaplain to the pope. Bull accepting the kingdom (as in 54) and granting

<sup>1</sup> The space between 'Lateran' and 'kl.' is rather large, and possibly a figure is lost in the fold.

them to John and his heirs in fee. **FIRST LINE.** Rota, monogram, subscriptions. *In perpetuum.* Bulla; silk. 'Rex regum et'. [Potthast 4912, i. 428.] Cott. Ch. viii. 24.

56. Anagni, 24 August 1215. Annulment of agreement between King John and the barons. **INNOCENTIUS.** Bulla; silk. 'Etsi karissimus in'. [Potthast 4990, i. 435.] Cleop. E. i, fos. 155 b-156.

#### HONORIUS III (1216-27)

57. Rome, St. Sabine's, 27 May 1218. General confirmation to Foucarmont Abbey. **HONORIUS.** Silk threads of bulla. 'Cum a nobis'. [Not in Potthast.] Add. Ch. 17845.
58. Lateran, 26 April 1221. Protection to Newenham Priory. **HONORIUS.** Holes (2) for threads of bulla. 'Cum a nobis'. [Not in Potthast.] Harl. Ch. 43 A. 31.
59. Lateran, 26 June, 1222. Grant to Cistercian Order of exemption from tithes on lands acquired before the general council which have reverted to the order, if cultivated by the order itself. **HONORIUS.** Silk threads of bulla. 'Cum aliquando cogente'. [Not in Potthast.] Add. Ch. 19805.
60. Lateran, 2 December 1224. Protection to Dale Abbey. **HONORIUS.** Bulla; silk. 'Cum a nobis'. [Not in Potthast.] Wolley Ch. x. 32.
61. Lateran, 26 February 1226. Appeal to province of Canterbury for subscriptions towards repair of St. Mary's Priory, Southwark. **HONORIUS.** Bulla lost. 'Quoniam ut ait'. [Not in Potthast.] Harl. Ch. 43 A. 32.

#### GREGORY IX (1227-41)

62. Assisi, 25 May 1228. Confirmation of Rotherham Church to Robert de Lexinton. **GREGORIUS.** Bulla; silk. 'Iustis petentium desideriis'. [Not in Potthast.] Harl. Ch. 111 A. 8.
63. Perugia, 22 June 1229. Protection to Kenilworth Priory. **GREGORIUS.** Holes (2) for threads of bulla. 'Iustis petentium desideriis'. [Not in Potthast.] Harl. Ch. 43 A. 33.
64. Perugia, 17 August 1229. Confirmation of agreement between Rufford Abbey and rector of Eakring. **GREGORIUS.** Bulla; silk. 'Ea que iudicio'. [Not in Potthast.] Harl. Ch. 111 A. 9.
65. Perugia, 21 August 1229. Inhibition to Carrow Priory against admitting too many nuns. **Gregorius.** Holes (2) for threads of bulla. 'Exposita nobis ex'. [Not in Potthast.] Harl. Ch. 43 A. 34.
66. Lateran, 13 (?) April 1230. Confirmation of agreement between Rufford Abbey and rector of Kneesall. **GREGORIUS.** Bulla; silk. 'Ea que iudicio'. [Not in Potthast.] Harl. Ch. 111 A. 10.  
*Partially defaced.*
67. Lateran, 18 March 1231. Confirmation of agreement between Rufford Abbey and rector of Averham. **GREGORIUS.** Bulla lost. 'Ea que iudicio'. [Not in Potthast.] Harl. Ch. 111 A. 11.
68. Rieti, 15 July 1231. Letter to ecclesiastical authorities on injuries to Sawtrey Abbey. **GREGORIUS.** Bulla lost. 'Non absque dolore'. [Not in Potthast.] Aug. ii. 128.

69. Rieti, 18 March 1232. Mandate to archdeacon of Buckingham, &c., on behalf of Elstow Abbey, in a dispute with St. Albans. GREGORIUS. Holes (2) for threads of bulla. 'Ex parte dilectarum'. [Not in Potthast.] Harl. Ch. 43 A. 44.
70. Anagni, 5 February 1233. Protection to Alberbury Priory. GREGORIUS. Silk threads of bulla. 'Iustis pententium desideriiis'. [Not in Potthast.] Harl. Ch. 43 A. 35.
71. Lateran, 26 January 1234. Letter to archbishop, suffragans, &c., of the province of Canterbury, to proceed against all persons injuring Dale Abbey. GREGORIUS. Bulla; silk. 'Non absque dolore'. [Not in Potthast.] Wolley Ch. xi. 24.
72. Lateran, 21 April 1234. Licence to abbot of Foucarmont to depute confessors for servants of the abbey. GREGORIUS. Silk threads of bulla. 'Animarum salutem desiderio'. [Not in Potthast.] Add. Ch. 17846.
73. Lateran, 22 April 1234. Dispensation to Foucarmont Abbey from compulsion to answer summonses more than two days' journey from the abbey, unless mention is made of this bull. GREGORIUS. Silk threads of bulla. 'Si adhuc Amalech'. [Not in Potthast.] Add. Ch. 17847.
74. Lateran, 22 April 1234. Licence to abbot of Foucarmont to depute the prior to absolve monks of the abbey from excommunication in his own absence. GREGORIUS. Silk threads of bulla. 'Cum monachos et'. [Not in Potthast.] Add. Ch. 17848.
75. Perugia, 4 May 1235. Licence to abbot of Rufford to absolve excommunicated monks. Gregorius. Bulla; string. 'Petitio tua nobis'. [Not in Potthast.] Harl. Ch. 111 A. 12.
76. Viterbo, 18 December 1235. Mandate to prior and archdeacon of St. Albans on behalf of Elstow Abbey, concerning Stonehouse Church. Gregorius. Bulla lost. 'Conquerentibus dilectis in'. [Not in Potthast.] Harl. Ch. 43 A. 36.
77. Viterbo, 30 January 1236<sup>1</sup>; by Master William, vice-chancellor. Protection to Bushmead Priory. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla lost. 'Religiosam uitam eligentibus'. [Not in Potthast.] Aug. ii. 117.
78. Terni, 27 January 1237. Licence to abbot of Quarr to depute confessors for servants of the abbey. GREGORIUS. Bulla; silk (the lower part of the silk is passed through a hole cut in the fold of the letter and tied in a bow on the other side; it is not clear whether this is original). 'Animarum salutem desiderio'. [Not in Potthast.] Stowe Ch. 571.
79. Lateran, 25 November 1237. Confirmation of grant of Villar Maior Church to St. Vincent's Priory, Lisbon. GREGORIUS. Bulla; at one time detached and now fastened to the letter with red tape, but the silk is preserved below the bulla. 'Cum a nobis'. [Not in Potthast.] Add. Ch. 16150.
80. Lateran, 13 January 1238. Mandate to priors of St. Saviour's, Bermondsey, and Holy Trinity and St. Bartholomew's, London,

<sup>1</sup> 'Ind. viij [sic] Inc. dom. Anno m<sup>o</sup>.cc<sup>o</sup>.xxxvj<sup>o</sup>. Pont. . . . Anno Nono.'



not to permit molestation of Haliwell Priory in its possession of Welwyn Church. Gregorius. Holes (2) for threads of bulla. 'Que secularibus desideris'. [Potthast 10498, i. 890.] Harl. Ch. 43 A. 37.

81. Lateran, 20 December 1239. Licence to prior of Wormeley to absolve his excommunicated monks. Gregorius. Holes (2) for threads of bulla. 'Petitio tua nobis'. [Not in Potthast.] Harl. Ch. 43 A. 38. *Slightly imperfect.*
82. Lateran, 24 July 1240. Mandate to priors of Reading, Shirburn, and Poughley in a suit between Sir William de Englefeld and Missenden Abbey. Gregorius. Bulla; string. 'Willelmus de Englefeld'. [Not in Potthast.] Add. Ch. 20371.

#### INNOCENT IV (1243-54)

83. Lateran, '[. . .] Pont. m. Anno Primo' [16 October 1243—7 June 1244]. Confirmation of exemption of Rufford Abbey from certain tithes. INNOCENTIUS. Bulla lost. 'Solet annuere sedes'. [Not in Potthast.] Harl. Ch. 111 A. 15. *Imperfect.*
84. Lateran, 5 February 1244. Letter to abbots of the Cistercian Order, upholding exemption from tithes and other liberties. INNOCENTIUS. Holes (2) for threads of bulla. 'Quia refrigescente caritate'. [Not in Potthast.] Add. Ch. 17849.
85. Lateran, 8 February 1244. Letter to abbots of the Cistercian Order, upholding prohibition against eating of meat in Cistercian houses. INNOCENTIUS. Bulla; silk. 'Cum a nobis'. [Not in Potthast, but see 89 below.] Harl. Ch. 111 A. 14.
86. Lateran, 12 February 1244. Letter to archbishop, suffragans, &c., of province of York, against infringements of privileges of Cistercian Order. Innocentius. Bulla; string. 'Dilecti filii Abbates'. [Not in Potthast.] Harl. Ch. 111 A. 13.
87. Lateran, 16 February<sup>1</sup> 1244. Exemption to abbots of Cistercian Order from compulsion to excommunicate their own patrons, &c. INNOCENTIUS. Silk threads of bulla. 'Quanto studiosius diuine'. [Closely similar, though not quite identical in wording, to Potthast 11258, ii. 958; 11264, p. 959, which are dated 13 February and 27 February respectively.] Add. Ch. 17850.
88. Lateran, 21 February 1244. Licence to abbots of Cistercian Order to depute priors to absolve excommunicated monks of the order. INNOCENTIUS. Silk threads of bulla. 'Cum monachos et'. [Identical, except for date, with Potthast 11255, ii. 958.] Add. Ch. 17851.
89. Lateran, 1 March 1244. Identical, except for date, with 85. Silk threads of bulla. [Potthast 11270, ii. 959.] Add. Ch. 17852.
90. Lateran, 2 March 1244. General confirmation to Foucarmont Abbey. INNOCENTIUS. Silk threads of bulla. 'Annuere consuevit sedes'. [Not in Potthast.] Add. Ch. 17853.
91. Lateran, 2 March 1244. Confirmation to Foucarmont Abbey of exemption from certain tithes. INNOCENTIUS. Silk threads of

<sup>1</sup> xv kal. Mart.; the year was leap year. Potthast has overlooked this fact in the datings of his nos. 11259-63, all of which should be placed one day later.

- bullæ. 'Significastis nobis quod'. [Not in Potthast.] Add. Ch. 17854.
92. Lateran, 3 March 1244. Confirmation to Foucarmont Abbey of exemption from certain tithes, &c. INNOCENTIUS. Holes (2) for threads of bullæ. 'Solet annuere sedes'. [Not in Potthast.] Add. Ch. 17855.
93. Lateran, 6 March 1244. Confirmation to Foucarmont Abbey of right not to be summoned to synods, &c., except 'prò fide'. INNOCENTIUS. Silk threads of bullæ. 'Cum a nobis'. [Not in Potthast.] Add. Ch. 17856.
94. Lateran, 7 March 1244. Lèter to Foucarmont Abbey prohibiting sentences of excommunication or interdict by ecclesiastical authorities against its servants, &c. INNOCENTIUS. Silk threads of bullæ. 'Cum a nobis'. [Not in Potthast.] Add. Ch. 17857.
95. Lateran, 15 March 1244. Grant to Foucarmont Abbey of tithes on new land in parishes where the old tithes had already been granted. INNOCENTIUS. Holes (2) for threads of bullæ. 'Iustis petentium desideriiis'. [Not in Potthast.] Add. Ch. 17858.
96. Lyons, 7 February 1245. Protection to Clothall Hospital. INNOCENTIUS. Holes (2) for threads of bullæ. 'Sacrosancta Romana ecclesia'. [Not in Potthast.] Harl. Ch. 111 A. 16.
97. Lyons, 14 March 1244/5; by Master Marinus, vice-chancellor. Protection to Ramsey Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Bulla lost. 'Religiosam uitam eligentibus'. [Not in Potthast.] Aug. ii. 118. *Mutilated*.
98. Lyons, 5 April 1245. Licence to prior of Cartmel to absolve excommunicated canons. Innocentius. Holes (2) for threads of bullæ. 'Exhibita nobis tua'. [Not in Potthast.] Harl. Ch. 83 A. 23.
99. Lyons, 28 April 1245. Letter to abbots of Cistercian Order, to the same effect as 94. INNOCENTIUS. Bulla; silk. 'Cum a nobis'. [Potthast 11641, ii. 987.] Harl. Ch. 111 A. 17.
100. Lyons, 28 April 1245. Letter to abbots of Cistercian Order, to the same effect as 93. INNOCENTIUS. Bulla lost. 'Cum a nobis'. [Potthast 11640, ii. 987.] Harl. Ch. 111 A. 18.
101. Lyons, 17 July 1245. Bull of deposition against the emperor [Frederick II]. FIRST LINE. *Ad rei Memoriam Sempiternam*. Silk threads of bullæ. 'Ad apostolice dignitatis'. [Potthast 11733, ii. 997.] Cleop. E. i, fos. 197 b-198.
102. Lyons, 9 August 1245. Mandate to provost and dean of Lautenbach<sup>1</sup> to enforce observance by Maursmünster Abbey of papal injunction to provide John, clerk, of Strasbourg diocese, with a benefice. Innocentius. Holes (2) for threads of bullæ. 'Ascriptis militie clericali'. [Not in Potthast.] Add. Ch. 13540.
103. Lyons, 16 March 1247. Licence to W. de Lexinton, chaplain of

<sup>1</sup> 'Ecclesie Lutenbachcensis Basiliensis dioc.' Lautenbach is an industrial village on the Lauch, the terminus of a branch line from Bollweiler. Since the church is not now collegiate reference may here be made to J. M. B. Claus, *Hist.-Top. Wörterbuch des Elsass* (Zabern, 1895, &c.), s. v., and J. Trouillat, *Monuments de l'Hist. de l'Ancien Evêché de Bâle*, Porrentruy, 1852-67 (index in each volume), especially i. 390.

- J[ohn], cardinal priest 'tituli S. Laurentii', to hold one more benefice, with or without cure of souls, in addition to those already held. INNOCENTIUS. Traces of holes (2) for threads of bulla. 'Meritis scientie ac'. [Not in Potthast.] Harl. Ch. 111 A. 7.
104. Lyons, 23 October 1247. Order to the abbot of Montierneuf to render obedience to Cluny. Innocentius. Holes (2) for threads of bulla. 'Volentes statum dilecti'. [Not in Potthast.] Add. Ch. 1543.
105. Lyons, 23 October 1247. Similar order to Longpont Priory. Innocentius. Bulla lost. 'Uolentes statum dilecti'. [Not in Potthast.] Add. Ch. 1544.
106. Lyons, 23 March 1249. Letter to archbishop, suffragans, &c., of province of York, to proceed against enemies of Sawtrey Abbey. INNOCENTIUS. Bulla lost. 'Non absque dolore'. [Not in Potthast.] Aug. ii. 129.
107. Lyons, 28 March 1249. Identical, except for date, with 100. Bulla lost. [Not in Potthast.] Aug. ii. 133.
108. Lyons, 28 March 1249. Letters to all abbots, priors, &c., upholding immunity of Cistercian Order 'a conuentibus forensibus'. INNOCENTIUS. Bulla lost. 'Dilecti filii Abbas'. [Not in Potthast.] Aug. ii. 134.
109. Lyons, 23 June 1249. Letter to abbots of Rievaulx and Byland, interpreting in favour of the whole Sempringham Order an exemption of Sempringham Priory from necessity of appearing in cases 'ultra duas pluresue dietas a domo sua'. Innocentius. String of bulla. 'Religionis dilectorum filiorum'. [Not in Potthast.] Stowe Ch. 572.
110. Lyons, 11 August 1250. Mandate to abbots of Rievaulx and Byland to enforce exemption of master of Sempringham Order from sentences of excommunication, &c., except by special mandate of the Holy See. Innocentius. Holes (2) for threads of bulla. 'Apostolice sedis benignitas'. [Not in Potthast.] Stowe Ch. 573.
111. Lyons, 1 April 1251. Mandate to precentor of Reading to enforce observance of agreement between Sir William de Englefeld and Missenden Abbey (see 82). Innocentius. Bulla; string. 'Sua nobis Willelmus'. [Not in Potthast.] Add. Ch. 20373.
112. Milan, 24 July 1251. Letter to archdeacon of Shrewsbury and official of Worcester, not to disturb Drax Priory in its possession of Middle Rasen Church. Innocentius. Holes (2) for threads of bulla. 'Ex parte dilectorum'. [Not in Potthast.] Add. Ch. 21095.
113. Perugia, 27 May 1252. Letter to bishops of Lincoln, London, and Bath, confirming immunity of non-collegiate secular churches from procurations for visitations to archbishop of Canterbury. Innocentius. Bulla; the original string is entirely lost and the bulla at present attached by modern red tape. 'Attendentes quod provincia'. [Not in Potthast.] Harl. Ch. 111 A. 19.
114. Assisi, 19 July 1253. Mandate to bishop of Hereford to licence for services the chapel before the gate of Flaxley Abbey. Innocentius. Hole for threads of bulla; the second hole is lost by the repairing of the vellum. 'Dilecti filii Abbas'. [Not in Potthast.] Harl. Ch. 43 A. 39.

115. Assisi, 20 May 1254. Confirmation of sentence by bishop of Hereford annulling Henry III's marriage contract with Joan of Ponthieu and confirming his marriage with Eleanor of Provence. INNOCENTIUS. Bulla; silk. 'Iustis petentium desideriis'. [Not in Potthast.] Cleop. E. i, fos. 194 b-195.

## ALEXANDER IV (1254-61)

116. Date lost. Licence to Barking Abbey to retain out of the tenth granted by the pope to Henry III for his crusade sufficient to satisfy liability incurred by it as security for a loan raised for the king by the bishop of Hereford. ALEXANDER. Bulla lost. 'Prouisionis nostre prouenire'. [Not in Potthast.] Royal MS. 17 B. xii, fo. 52. *Imperfect, having lost the latter part.*
117. . . kal. Martii (?), . . . Confirmation of Tyburne Church to Blackmore Priory. ALEXANDER. Bulla lost. 'M[eritis] uestre religionis'. [Apparently not in Potthast.] Cotton Ch. xxi. 3. *Badly defaced and largely illegible.*
118. Naples, 20 March 1255. Licence to bishop of Hereford for appointment of seven clerks to benefices. ALEXANDER. Silk threads of bulla. 'Honestum esse censemus'. [Not in Potthast.] Harl. Ch. 111 A. 21.
119. Naples, 9 April 1255; by Guillelmus, 'mag. scol. Parm.', vice-chancellor. Confirmation of kingdom of Sicily to Edmund of Lancaster. FIRST LINE. Rota, monogram, subscriptions. Silk threads of bulla. 'Assueta sedis apostolice'. [Potthast 15784, ii. 1301.] Cleop. E. i, fos. 189 b-190.
120. Anagni, 23 July 1255. Confirmation to the Templars of the tithes of Barbonne. ALEXANDER. Holes (2) for threads of bulla. 'Quanto maiori religione'. [Not in Potthast.] Add. Ch. 11280.
121. Anagni, 19 August 1255. Release of Cistercian houses in England from liability for tithes on hay from their own lands. ALEXANDER. Bulla; silk. 'Pro reuerentia gloriose'. [Not in Potthast.] Harl. Ch. 111 A. 20.
122. Anagni, 19 August [1255 ?]. Confirmation to the Templars of tithes at Ressons ('in parrochia Resonen.'). ALEXANDER. Holes (2) for threads of bulla. 'Suggestum est nobis'. [Not in Potthast.] Add. Ch. 11281.
123. Lateran, 11 December 1255. Grant to Cistercian Order of exemption from levies by the Holy See unless special mention is made of this bull and of the order. ALEXANDER. Bulla; silk. 'Religionis uestre meretur'. [Potthast 16123, ii. 1325.] Harl. Ch. 75 A. 2.
124. Lateran, 21 January 1256. Confirmation of grant by Philip I of France of St. Martin des Champs to Cluny. ALEXANDER. Traces of holes (2) for threads of bulla. 'Exigentibus uestre deuotionis'. [Potthast 16203, ii. 1331.] Add. Ch. 1546.
125. Lateran, 21 February<sup>1</sup> 1256. General confirmation to Cistercian

<sup>1</sup> 'x kal. Martii' (leap year). Potthast is again wrong in his datings from 16254 to 16261 inclusive.

- Order. ALEXANDER. Holes (2) for threads of bulla. 'Solet annuere sedes'. [Not in Potthast.] Harl. Ch. 43 A. 40.
126. Lateran, 23 February 1256. Prohibition against prelates treating hospitality of Cistercian Order as obligatory. ALEXANDER. Holes (2) for threads of bulla. 'Intimantibus uobis accepimus'. [Not in Potthast.] Add. Ch. 12778.
127. Lateran, '. . . kal. Apr.'<sup>1</sup> 1256. Confirmation to Cluny of Paray-le-Monial Priory and castle of Thalon. ALEXANDER. Bulla lost. 'Personas uestras sincera' (manuscript *sincetra*). [Not in Potthast.] Add. Ch. 1545.
128. Lateran, 11 May 1256. Mandate to abbot of Boxley to induct Clairvaux Abbey to moiety of Rotherham Church. Alexander. Bulla; string. 'Salubri consideratione dilectus'. [Not in Potthast.] Harl. Ch. 111 A. 22.
129. Anagni, 8 November 1256. Letter to Henry III of England, calling upon him to respect ecclesiastical rights. Alexander. Holes (2) for threads of bulla. 'Cum de tuis'. [Potthast 16609, ii. 1361.] Cleop. E. i, fos. 199 b-200.
130. Lateran, 5 February 1257. Release of Hulme Abbey from liability to papal provisions. ALEXANDER. Bulla; some of the original silk remains, but the bulla is at present attached by red tape. 'Uestre meritibus deuotionis'. [Not in Potthast.] Add. Ch. 14711.
131. Viterbo, 7 March 1258. Mandate to dean of Salisbury in a dispute between prior and abbot of Glastonbury. Alexander. Bulla lost. 'In causa quam'. [Not in Potthast.] Add. MS. 22934, fo. 8.
132. Viterbo, 3 April 1258; by Master Jordanus, notary and vice-chancellor. Protection to Vrouwen-Parek Abbey. FIRST LINE. Rota, monogram, subscriptions. *In perpetuum*. Holes (2) for threads of bulla. 'Religiosam uitam eligentibus'. [Not in Potthast.] Add. Ch. 12779.
133. Anagni, 18 December 1258. Letter to Henry III in reply to his request for dispatch of a legate to discuss peace with France, Sicilian kingdom, &c. Alexander. String of bulla. 'Uenerabiles fratres nostros'. [Not in Potthast.] Cleop. E. i, fos. 203 b-204.
134. Anagni, 28 April 1259. Licence to Clairvaux Abbey for its priest at Rotherham to act as executor of wills, hear confessions, &c. ALEXANDER. Bulla; silk. 'Religionis uestre fauor'. [Not in Potthast.] Harl. Ch. 111 A. 23.
135. Anagni, 30 May 1260. Exhortation to the podestà, council, and commune of Verona to assist in restoring the house of lepers of St. James 'de Tumba extra portas', destroyed by Ezzelino da Romano. Alexander. Bulla; string. 'Cum sicut dilecti'. [Not in Potthast.] Add. Ch. 37633.
136. Lateran, 13 April 1261. Letter to Henry III of England releasing him from his oath to the barons. ALEXANDER. Silk threads of bulla. 'Ad audientiam nostram'. [Not in Potthast.] Cleop. E. i, fo. 213.

<sup>1</sup> A piece of vellum is lost in the middle of the date.

## URBAN IV (1261-4)

137. Viterbo, 'vi Id. . . ., a<sup>o</sup>. 1' [8 September 1261—8 August 1262]. Release of Benedictine abbey of St. Peter at . . . from certain pensions. URBANUS. Bulla lost. 'Cum sicut ex'. [Not in Potthast.] Add. Ch. 13541. *Damaged and illegible in parts.*
138. Viterbo, 9 May 1262. Release of Kenilworth Priory from certain debts. URBANUS. Holes (2) for threads of bulla. 'Indempnitati uestre ac'. [Not in Potthast.] Harl. Ch. 43 A. 42. *Damaged in places.*
139. Orvieto, 24 March 1264. Letter to archbishop of Canterbury and abbot of St. Denis, condemning all the proceedings of the barons. Urbanus. String of bulla. 'Carissimum in Christo'. [Potthast 18839, ii. 1526.] Cleop. E. i, fos. 211 b-212.

## CLEMENT IV (1265-8)

140. Viterbo, 24 September 1266. Confirmation of grant of tithes for support of common table of canons of Drontheim. CLEMENS. Bulla; silk. 'Cum a nobis'. [Potthast 19821, ii. 1599.] Add. Ch. 26045.
141. Viterbo, 1 June 1268. Confirmation of Bentersheim Church to dean and chapter of St. Andrew's Church, Worms. CLEMENS. Bulla; silk. 'Iustis petentium desideriis'. [Not in Potthast; mentioned, but not published, in J. F. Schannat, *Hist. Episcopatus Wormatiensis*, Francofurti ad Moenum, 1734, i. 11.] Add. Ch. 6306.

## GREGORY X (1272-6)

142. Lyons, 22 February 1274. General confirmation to Kenilworth Priory. GREGORIUS. Holes (2) for threads of bulla. 'Cum a nobis'. [Not in Potthast.] Harl. Ch. 43 A. 43.
143. Lyons, 11 May 1274. General confirmation to Cistercian Order. GREGORIUS. Bulla; silk. 'Cum a nobis'. [Potthast 20826, ii. 1677.] Harl. Ch. 111 A. 25.
144. Lyons, 20 August 1274. Release of Cistercian Order from payment of a tenth for the help of the Holy Land, until the amount due from the revenues of the order is determined. GREGORIUS. Bulla; silk. 'Meritibus uestre sacre'. [Potthast 20905, ii. 1685.] Harl. Ch. 111 A. 24.

## JOHN XXI (1276-7)

145. Viterbo, 15 October 1276. General confirmation to Cistercian Order. JOHANNES. Holes (2) for threads of bulla. 'Cum a nobis'. [Potthast 21168, ii. 1712.] Add. Ch. 1547.
146. Viterbo, 18 January 1277. Mandate to abbot of St. Corneille de Compiègne to recover goods of Cluniac Order illicitly alienated. Johannes. Holes (2) for threads of bulla. 'Ex parte dilecti'. [Potthast 21216, ii. 1715.] Add. Ch. 1548.

## NICHOLAS III (1277-80)

147. Rome, St. Peter's, 23 February 1278. Acquittance to Edward I of England for payment of eight years' arrears of annual *census*

- of 1,000 marks. Nicolaus. String of bulla. 'Pro censu mille'. [Potthast 21271, ii. 1721.] Cleop. E. i, fos. 224 b-225.
148. Rome, St. Peter's, 31 May 1278. General confirmation to Cassan Priory. NICOLAUS. Holes (2) for threads of bulla. 'Solet annuere sedes'. [Not in Potthast.] Add. Ch. 13542.
149. Rome, St. Peter's, 5 January 1279.<sup>1</sup> General confirmation to Sawtrej Abbey. NICOLAUS. Bulla lost. 'Cum a nobis'. [Not in Potthast.] Aug. ii. 123.
150. Rome, St. Peter's, 23 January 1279. Licence to Cluny to refuse demands, except for a moderate quantity of victuals, by prelates who in their visitations exceed the number of horses and persons laid down by the Lateran council. NICOLAUS. Holes (2) for threads of bulla. 'Exigentibus uestre deuotionis'. [Potthast 21516, ii. 1739; J. Gay, *Registres de Nicolas III*, fasc. 2, p. 178 (no. 468).] Add. Ch. 1549.
151. Rome, St. Peter's, 23 January 1279. Release of Cluny from liability to pay exactions wrongfully demanded by ecclesiastical authorities. NICOLAUS. 'Cum a nobis'. [Not in Potthast; noted in Marrier and Duchesne (Quercetanus), *Bibl. Cluniacensis*, p. 1701; printed by J. Gay, *Registres*, fasc. 2, p. 173 (no. 457).] Add. Chs. 1550-4. *In quintuplicate*. In all cases, except 1551, where no trace of the bulla remains, holes (2) for threads of bulla.
152. Rome, St. Peter's, 23 January 1279. Prohibition of measures by ecclesiastical authorities in violation of rights of Cluny. NICOLAUS. 'Religionis uestre in'. [Not in Potthast; J. Gay, *Registres*, fasc. 2, p. 171 (no. 455).] Add. Chs. 1555, 1556. *In duplicate*. 1555, holes (2) for threads of bulla; 1556, bulla lost.
153. Rome, St. Peter's, 23 January 1279. Mandate to abbot of St. Victor de Marseille to recover for Cluny property wrongfully alienated. Nicolaus. Holes (2) for threads of bulla (repaired). 'Inclinati precibus dilectorum'. [Not in Potthast.] Add. Ch. 1557.
154. Rome, St. Peter's, 13 February 1279. Mandate to the same to prevent molestation of Cluny contrary to papal privileges. Nicolaus. Traces of holes (2) for threads of bulla. 'Cum multiplicata sit'. [Not in Potthast.] Add. Ch. 1559.
155. Rome, St. Peter's, 22 April 1279. Mandate to the same effect to the abbot of Ste. Colombe. Nicolaus. Holes (2) for threads of bulla. 'Cum multiplicata sit'. [Not in Potthast.] Add. Ch. 1558.
156. Rome, St. Peter's, 13 April 1280.<sup>2</sup> Licence to Tiron Abbey to receive property which would have fallen to free persons becoming

<sup>1</sup> Attributed on the cover to Nicholas IV, and dated accordingly 1290 in the *Index to the Charters and Rolls in the British Museum*, vol. ii, s.v. 'Sawtrej Abbey' (p. 668); but Nicholas IV was dating from Sta. Maria Maggiore on this day; see Potthast and especially E. Langlois, *Registres de Nicolas IV*, who gives a number of documents dated Non. Jan., a<sup>o</sup>. 2. On the other hand Nicholas III was at St. Peter's throughout January of his second year. See also 156 below.

<sup>2</sup> Attributed in a French hand on the back to Nicholas IV and dated accordingly 1290, and so, too (with a query), in pencil on the flap, and in the manuscript catalogue of charters; but the bulls of Nicholas IV issued on 13 April of the third year are dated from Sta. Maria Maggiore, whereas Nicholas III was at St. Peter's during April of his third year. For this reason the two bulls to Tiron printed in L. Merlet, *Cartulaire*

monks of the abbey, had they remained in the world. NICOLAUS. Holes (2) for threads of bulla. 'Deuotionis uestre precibus'. [Not in Potthast.] Add Ch. 12781.

## MARTIN IV (1281-5)

157. Orvieto, 28 May 1282. General confirmation to Huntingdon Priory. MARTINUS. Bulla lost. 'Solet annuere sedes'. [Not in Potthast.] Aug. ii. 122.
158. Orvieto, 8 June 1282. Mandate to archdeacon of Leicester in suit between Kenilworth Priory and bishop of Coventry and Lichfield concerning Lillington Church. Martinus. Holes (2) for threads of bulla. 'Conquesti sunt nobis'. [Not in Potthast.] Harl. Ch. 43 A. 45.
159. Orvieto, 19 January 1283. Exhortation to Genoa to make peace with Pisa. Martinus. Holes (3)<sup>1</sup> for threads of bulla. 'Onus apostolice sollicitudinis'. [Not in Potthast, who, however, has the similar letter to Pisa, of the same date.] Add. Ch. 12780.
160. Orvieto, 27 April 1283. General confirmation to Dale Abbey. MARTINUS. Holes (2) for threads of bulla. 'Cum a nobis'. [Not in Potthast.] Wolley Ch. xi. 2.
161. Orvieto, 13 November 1283. General confirmation to Rufford Abbey. MARTINUS. Bulla; silk. 'Cum a nobis'. [Not in Potthast.] Harl. Ch. 111 A. 26.

## NICHOLAS IV (1288-92)

162. Rome, St. Peter's, 24 April 1288. Licence to Clairvaux Abbey to grant moiety of Rotherham Church to some abbey of the Cistercian Order for an annual payment for the support of brethren of Clairvaux studying at Paris. Nicolaus. Bulla; string. 'Presentata nobis ex'. [Not in Potthast.] Harl. Ch. 111 A. 27.
163. Orvieto, 8 June 1291. Remonstrance to Edward I of England concerning practice of English courts in not permitting production of papal letters. Nicolaus. String of bulla. 'Dudum ad nostram'. [Potthast 23697, ii. 1898; Langlois, *Registres de Nicolas IV*, p. 894, no. 6719.] Cleop. E. i, fos. 244 b-245.

BONIFACE VIII (1294-1303)<sup>2</sup>

164. Date lost.<sup>3</sup> Name of addressee lost, but the dean and chapter of Wells are mentioned, and there is reference to a canony and

*de l'Abbaye . . . de Tiron* (Chartres, 1883), ii. 197-9, and dated 4 April and 9 April respectively, are more probably to be assigned to Nicholas III than, with the editor, to Nicholas IV.

<sup>1</sup> Besides the usual two there is one higher up, to the left, and perhaps the ends of the threads were passed through this.

<sup>2</sup> Bulls of Boniface VIII and Boniface IX should, one would think, be easy enough to distinguish on palaeographical grounds alone; but as a matter of fact, though this is certainly the case with most of the bulls in the British Museum, there are one or two with regard to which decision is not altogether easy. I have transferred from Boniface VIII to Boniface IX two bulls hitherto attributed to the former and one bull from Boniface IX to Boniface VIII. The reasons for doing so are in each case stated in foot-notes.

<sup>3</sup> Attributed in the new Catalogue of the Royal MSS. (not yet published) to Boni-



- prebend. BONIFATIUS. Bulla lost. 'Tua nobilitas ge . . .'. Royal MS. 9 E. x, fo. i. *Fragment, much defaced.*
165. Anagni, 23 July 1295. General confirmation to Waterbeach Abbey. BONIFATIUS. Holes (2) for threads of bulla (repaired). 'Cum a nobis'. [Not in Potthast.] Cott. Ch. xi. 19.
166. Rome, St. Peter's, 28 March 1297. General confirmation to Huntingdon Priory. BONIFATIUS. Bulla lost. 'Iustis petentium desideriiis'. [Not in Potthast.] Aug. ii. 113.
167. Lateran, 19 March 1301. Protection to Sawtrey Abbey. BONIFATIUS. Bulla lost. 'Cum a nobis'. [Not in Potthast.] Aug. ii. 132.
168. Lateran, 8 March 1302. Confirmation of sale by the Augustinian Hermits of Paris to John, cardinal priest of SS. Marcellinus and Peter, of a place called 'de Cardineto' in the street of St. Victor at Paris, for the support of poor scholars. BONIFATIUS. Holes (2) for threads of bulla. 'Peticio tua nobis'. [Not in Potthast.] Eg. Ch. 60.

## CLEMENT V (1305-14)

169. Lyons, 29 December 1305. Letter to Edward I of England, annulling concessions made by him to barons. CLEMENS. Holes (2) for threads of bulla. 'Regalis deuotionis integritas'. [Rymer, *Foedera*, ed. 1816-30, i. 978, from another copy.] Cleop. E. i, fos. 266 b-267.
170. Poitiers [29 January 1308]. Notification to Huntingdon Priory of provision of Robert de Stanfordia, prior of Newstead [Lincolnshire], to be prior in place of Walter, deceased at Rome. Clemens. Bulla lost. 'Attenta medita[n]tes (?) . . .'. [W. H. Bliss, *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland*, ii. 37.] Aug. ii. 110. *Imperfect.*
171. Groseau, 28 October 1309. Letter to bishop of Worcester, to call upon Edward II to desist from violation of ecclesiastical rights. Clemens. String of bulla. 'Supra montem excelsum'. [Rymer, *Foedera*, ed. 1816-30, ii. 97-98.] Cleop. E. i, fos. 275 b-276.

## JOHN XXII (1316-34)

172. Avignon, 1 January 1325. Mandate to archbishop of York to grant licence for removal of Cottingham [afterwards Haltemprice] Priory. Johannes. Bulla; string. 'Pia desideria deuotorum'. [Dugdale, *Monasticon Anglicanum*, ed. 1817-30, vi. 520; Bliss, *Calendar*, ii. 245.] Add. Ch. 20554.
173. Avignon, 31 August 1327. Licence to Edward III of England to choose a confessor. JOHANNES. Bulla; silk. 'Tue deuotionis sinceritas'. [Bliss, *Calendar*, ii. 261.] Cott. Ch. vi. 6.
174. Avignon, 26 October 1327. Order to bishop of Worcester to publish

face IX. Though fairly confident in my own mind, I should hesitate to maintain my opinion against that of more competent palaeographers, but fortunately internal evidence can also be invoked. Reference is made in the bull to 'Bernardini de Marsi . . .' and 'eiusdem Actauiani [*sic*]'. It is difficult not to believe that this is the 'Octavian son of Bernardinus, canon of Wells', mentioned in *Cal. of Pat. Rolls*, Edw. I, 1281-92, p. 342, for the year 1290. Mr. Gilson concurs in the new dating, and the attribution to Boniface VIII is made in the corrigenda to the catalogue.

process condemning Marsilius of Padua and John of Jandun. Johannes. Silk threads of bulla. 'Certum processum per'. [Rymer, *Foedera*, ed. 1816-30, ii. 719-22.] Cleop. E. i, fos. 310 b-311.

175. Avignon, 5 July 1333. Acquittance to Edward III of England for 1,500 marks, annual *census* for 1330 and the first half of 1331. Johannes. Bulla; string. 'Cum census annuum'. [Rymer, *Foedera*, ed. 1816-30, ii. 864; Bliss, *Calendar*, ii. 384.] Cleop. E. ii, fos. 15 b-16.

## CLEMENT VI (1342-52)

176. Villeneuve, Avignon, 21 September 1343. Letter to Edward III of England calling upon him to observe truce with France. Clemens. Two slits at the bottom may be those for the threads of the bulla. 'Nimis displicibiliter audiuimus'. [Rymer, *Foedera*, ed. 1816-30, ii. 1235, from another copy; Bliss and Johnson, *Calendar*, iii. 3.] Cleop. E. ii, fos. 60 b-61.
177. Avignon, 21 July 1345. Letter to Edward III on the truce. Clemens. String of bulla. 'Presentatas pridem apostolatui'. [Rymer, *Foedera*, ed. 1816-30, iii. 53-5, from another copy.] Cleop. E. ii, fos. 66 b-67.
178. Villeneuve, Avignon [25 May 1351]. Licence to John [Archer], rector of Kettleburgh, to chose a confessor. CLEMENS. Bulla lost. 'Prouenit ex tue'. [Bliss and Johnson, *Calendar*, iii. 437.] Royal MS. 15 A. xxxi, fos. 1, 8. *Fragment*.

## INNOCENT VI (1352-62)

179. Avignon, 11 June 1360. General confirmation to Rufford Abbey. INNOCENTIUS. Bulla; silk. 'Cum a nobis'. Harl. Ch. 111 A. 29.
180. Avignon, 10 September 1361. Letter to Edward III of England announcing provision of Lewis Charlton to see of Hereford. Innocentius. Bulla; string. 'Gratie diuine premium'. Cleop. E. ii, fos. 100 b-101.

## URBAN V (1362-70)

181. Avignon, 27 April 1364. Mandate to chancellor of York to recover for Rufford Abbey property illicitly alienated. Urbanus. Bulla; string. 'Ad audientiam nostram'. Harl. Ch. 111 A. 30.
182. Avignon, 13 February 1365. Mandate to dean of London to cause persons unlawfully detaining property of Sawtrey Abbey to restore the same under pain of excommunication. Urbanus. Bulla lost. 'Significarunt nobis dilecti'. Aug. ii. 131.

## GREGORY XI (1370-8)

183. Avignon, 1 January 1374. Licence to Peter [de Hanney], abbot of Abingdon, for promotion of six monks, under age, to priesthood. Gregorius. Holes (2) for threads of bulla. 'Sincere deuotionis affectus'. Stowe Ch. 574.
184. Villeneuve, Avignon, 1 September 1375. Confirmation of ecclesiastical appointments in England made by presentation or collation of Edward III. FIRST LINE. *Ad futuram rei memoriam*. Holes (2)

for threads of bulla. 'Eximie deuotionis sinceritas'. [Rymer, *Foedera*, ed. 1816-30, iii, 1037, from a copy.] Lansd. Ch. 558.

185. Avignon, 13 October 1375. Mandate to prior of Shelford, to the same effect as 182, on behalf of Rufford Abbey. Gregorius. Bulla; string. 'Significarunt nobis dilecti'. Harl. Ch. 111 A. 31.

URBAN VI (1378-89)

186. Rome, St. Mary's beyond the Tiber,<sup>1</sup> 5 January 1379. Mandate to abbot of Stratford Langthorne concerning transfer of monk from Rufford to St. Mary Graces Abbey, London. Urbanus. Bulla; string lost and now attached by red tape. 'Quia (?) cum dilectis'. Harl. Ch. 111 A. 35. *Much defaced.*
187. Rome, St. Peter's, 28 January 1380. Confirmation to Rufford Abbey of a moiety of Rotherham Church. FIRST LINE. *Ad perpetuam rei memoriam.* Bulla; silk. 'Merita religionis dilectorum'. Harl. Ch. 111 A. 32.
188. Rome, St. Peter's, 13 March 1380. Mandate to prior of Drax, to the same effect as 181, on behalf of Rufford Abbey. Urbanus. Bulla; string. 'Ad audientiam nostram'. Harl. Ch. 111 A. 36.
189. Rome, St. Peter's, 12 February 1381. Licence to 'Henricus dominus loci de Montford, miles' and Oeda his wife, diocese Tours, to choose a confessor. URBANUS. Bulla lost. 'Prouenit ex uestre'. Add. Ch. 12804. *Much defaced.*
190. Rome, St. Peter's, 30 March 1382. Annulment of treaties entered into by the Emperors Charles [IV] and Wenceslaus with certain princes, &c., who were or had since become heretics or schismatics. FIRST LINE. *Ad futuram rei memoriam.* Silk threads of bulla. 'Inter sollicitudines uarias'. [Rymer, *Foedera*, ed. 1816-30, iv, 144, from another copy.] Cleop. E. ii, fos. 196 b-197.
191. Genoa, 11 January 1386. Protection to Rochester Priory. URBANUS. Holes (2) for threads of bulla. 'Cum a nobis'. Harl. Ch. 43 A. 46.
192. Lucca, 24 February 1387. Mandate to abbot of Whitby to recover for Grosmont Priory possessions illicitly alienated. Urbanus. Holes (2) for threads of bulla. 'Ad audientiam nostram'. Harl. Ch. 43 A. 47.
193. Lucca, 1 July 1387. Protection to Burscough Priory. URBANUS. Holes (2) for threads of bulla. 'Cum a nobis'. Harl. Ch. 43 A. 41.
194. Perugia, 6 February 1388. Letter to Richard II of England, commending him for alliance with the Emperor Wenceslaus. Urbanus. Bulla lost. 'Exultauit cor nostrum'. Cleop. E. ii, fo. 198 b.
195. Rome, St. Peter's, 7 March 1389. Confirmation of agreement between Augustinian priory of Zwolle and rector of the parish church in settlement of dispute concerning burials of certain parishioners. URBANUS. Bulla; silk. 'Ea que iuditio'. Add. Ch. 5958.

<sup>1</sup> For the reading, the manuscript being far from clear owing to rubbing, see C. Kroft, 'Acta Urbani VI et Bonifatii IX' in *Monumenta Vaticana res gestas Bohemicas illustrantia*, tom. v, pars 1 (Pragae, 1903), nos. 36 (3 January) and 37 (8 January).

[CLEMENT VII (1378-94), Antipope]

196. Avignon, 23 January 1381. Confirmation, at request of priory of Friars Preachers of Geneva, of indulgence of Clement VI to those visiting churches of the order on the feast of St. Thomas Aquinas and its octave. FIRST LINE. *Ad futuram rei memoriam*. Bulla; silk. 'Tenorem quarundam litterarum'. Add. Ch. 12622.
- 197.<sup>1</sup> Avignon, 4 September [1392-4]. Letter of credence to [Louis], duke of Orleans, for bishop of Noyon and Jehan de Sains. *Soubz nostre signet secret*; slight traces of signet, in red wax. *French Paper*. Add. Ch. 11321.

BONIFACE IX (1389-1404)

198. Rome, St. Peter's, 5 June 1391.<sup>2</sup> Permission to Sir Gerard Braybrok, junior, and Elizabeth his wife to choose a confessor. BONIFATIUS. Bulla lost. 'Prouenit ex uestre'. Cott. Ch. xvi. 3. *Mutilated*.
199. Rome, St. Peter's, 1 April 1395.<sup>3</sup> Confirmation of grants in Wood Walton and Huntingdon by various persons named to Sawtrey Abbey. BONIFATIUS. Bulla lost. 'Solet annuere sedes'. Aug. ii. 114.
200. Rome, St. Peter's, 29 August 1395. Mandate to archbishop of Canterbury and bishops of London and Tuy to enforce agreement between archdeacon of London and rectors of the archdeaconry concerning payment of an annual pension by the latter to the former.

<sup>1</sup> Contrary to the principle stated in the introduction, I have thought it well to include this letter, partly for its early date and partly because the Museum possesses so few documents emanating from antipopes.

<sup>2</sup> Hitherto attributed to Boniface VIII and dated accordingly 1296. The hand seems to favour the later rather than the earlier date, but a more conclusive consideration is the fact that from the beginning of June of his second year Boniface VIII was dating from Anagni, not from St. Peter's (see his registers, edited by G. Digard, M. Faucon, and A. Thomas, 1884, &c.). The names of the addressees unfortunately are not decisive. The Braybrooks were a distinguished family of whom much is known (pedigrees, e.g., in Clutterbuck's *Hertford*, iii. 58; Davey's Suffolk pedigrees, Add. MS. 19120, fo. 100 b; many references to members of the family in the *Victoria History of Bedford*, see index volume); but the name Gerard persisted for several generations. A Sir Gerard, son of a Gerard, died in 1359, and had a wife Isabella, a name interchangeable with Elizabeth, but he is rather late to be the person mentioned in the bull if the pope is Boniface VIII, and seems never to be referred to as 'junior'. On the other hand, a Sir Gerard Braybrook, junior, occurs constantly in records of the last third of the fourteenth century; he was probably the Gerard aged 30 years or upward at his father's death, A.D. 1403, and still living in the seventh year of Henry VI. His wife was Eleanor, not Elizabeth; but since no known Sir Gerard had a wife elsewhere called Elizabeth, so far as I can discover, it seems probable either that Sir Gerard, junior, married twice, one of his wives being called Elizabeth, or that the name, written as El., was wrongly extended in the papal chancery as Elizabeth.

<sup>3</sup> Hitherto attributed to Boniface VIII and dated (as on the cover of the bull and in vol. ii of the *Index to the Charters and Rolls in the . . . British Museum*, s. v. 'Sawtrey Abbey') 1300. The hand alone should be sufficient to identify the pope as Boniface IX, but the internal evidence is decisive. On p. 3 of the *Cal. of Pat. Rolls*, Rich. II, vol. v, is noted the licence for the alienation in mortmain to Sawtrey Abbey by the persons here mentioned of what is no doubt the property referred to in the bull. The date is 12 December 1391.

- Bonifatius. Bulla lost. 'Iustis et [h]onestis'. Add. Ch. 12783. *Slightly imperfect on left.*
201. Rome, St. Peter's, 27 July 1396. Mandate to archbishops of Canterbury, York, and Dublin, to grant dispensation for marriage of Richard II of England and Isabella of France. Bonifatius. String of bulla. 'Romanus Pontifex beati'. [Rymer, *Foedera*, ed. 1739-45, III., pt. 4, 121.] Cleop. E. ii, fos. 229 b-230.
202. Rome, St. Peter's, 6 April 1397. Order to bishop of Dax, abbot of St. Mary's in Organis at Verona, and prior of St. Benedict's at Padua to assign to John Black canonries at Verona and Padua, with prebends if vacant. BONIFATIUS. Holes for threads of bulla (repaired). 'Vite ac morum'. [Bliss and Twemlow, *Calendar*, v. 86.] Add. Ch. 37632.
203. Lateran, 21 October 1397. Mandate to abbot of Bury St. Edmunds to excommunicate, if their guilt be proved, William de Verdun, prior, and three canons of Leeds Priory, with other persons named, for laying violent hands on John de Stopley, monk of St. Albans. Bonifatius. Bulla lost. 'Conquesti sunt nobis'. [In Hasted's *History . . . of . . . Kent*, ii, 479, the date of the bull giving absolution to the offenders is given as 1391.] Harl. Ch. 43 A. 49.
204. Rome, St. Peter's, 25 April 1398. Licence to abbot of Bury St. Edmunds to absolve excommunicated monks. Bonifatius. Holes (2) for threads of bulla. 'Deuotionis tue sinceritas'. Cott. Ch. xi. 20.
205. Rome, St. Peter's, 9 June 1399. Confirmation of bull of Urban VI authorizing the union with the Charterhouse, London, of certain ecclesiastical benefices. BONIFATIUS. Holes (2) for threads of bulla. 'Ex apostolice sedis'. [The bull of Urban VI in Dugdale, *Monasticon*, ed. 1817-30, vi. 10.] Stowe Ch. 575.
206. Duplicate of the foregoing. Holes (2) for threads of bulla. Harl. Ch. 43 A. 48.
207. Rome, St. Peter's, 15 October 1399. Licence to Richard Redeker, priest, of Foulsham, to choose a confessor. BONIFATIUS. Holes (2) for threads of bulla, now connected by a continuous slit. 'Prouenit ex tue'. [Bliss and Twemlow, *Calendar*, v. 228.1] Harl. Ch. 111 A. 28.
208. Rome, St. Peter's, 19 April 1404. Appointment of archbishop of Canterbury, bishop of Lincoln, and prior of Canterbury as 'Conseruatores et Iudices' of Norwich Priory. Bonifatius. Traces of holes (2) for threads of bulla. 'Militanti ecclesie licet'. Stowe Ch. 576. *Damaged in places.*

## ALEXANDER V (1409-10)

209. Pisa, 24 July 1409. Mandate to prior of Thurgarton to inquire into claim of Rufford Abbey, in a suit brought against it by Robert Ragenhill [Raynhill], rector of Whiston, to be exempt from jurisdiction of archbishop of York. Alexander. Bulla; -string. 'Sua nobis dilecti'. Harl. Ch. 111 A. 33.

<sup>1</sup> The register gives the name of the place as Swasham.

## JOHN XXIII (1410-15)

210. Rome, St. Peter's, 25 May 1411. Appointment of Humbert Chatard, prior of La Chaux, as papal chaplain. JOHANNES. Bulla lost. 'Uirtutibus clarens et'. Add. Ch. 1560.
211. Rome, St. Peter's, 15 May (xviii kal. Jun. (*sic.*)) 1412. Mandate to bishop of Norwich to inquire into charges against John Thorp, archdeacon of Suffolk, of having made illegal exactions. Johannes. String of bulla. 'Ad audientiam nostram'. [Twemlow, *Calendar*, vi. 311.] Stowe Ch. 577.
212. St. Anthony's without the walls of Florence, 20 October 1413. Declaration, with special reference to a claim by Jean Bouesgue,<sup>1</sup> monk of Fécamp Abbey, to Gournay Priory, that he will suffer no derogation from his reservation of dignities to papal disposition. FIRST LINE. *Ad perpetuam rei memoriam*. Bulla lost. 'Decens reputamus et'. Add. Ch. 1561.
213. St. Anthony's without the walls of Florence, 20 October 1413. Revocation, at the instance of Cluny, of all grants *in commendam* of Cluniac priories, &c., to persons not of the Cluniac Order. FIRST LINE. *Ad perpetuam rei memoriam*. Holes (2) for threads of bulla. 'Que in grauamen'. Add. Ch. 1562.

## MARTIN V (1417-31)

214. Florence, 15 August 1419. Appointment of Berardo da Varano, lord of Camerino, as papal commissioner for the lands, &c., placed in the hands of the pope by the duke of Milan and the city of Genoa as pledges of peace between them. Martinus. Holes (2) for threads of bulla. 'Ad ea que'. Add. Ch. 12784.
215. Rome, Sta. Maria Maggiore, 13 September 1423. Exhortation to earl of Stafford [afterwards first duke of Buckingham] to assist in securing abrogation of 'interdictum illud . . . contra statum ecclesiastice libertatis' in England [the Statutes of Provisors and Praemunire]. Martinus. Bulla lost. 'Nil [iam (?) po]st'. Cott. Ch. xi. 29. *Slightly damaged*.
216. Rome, SS. Apostoli, 29 April 1425. Appeal to all Christian rulers against proposed duel between Philip, duke of Burgundy, and Humphrey, duke of Gloucester. Martinus. String of bulla. 'Magno cum animi'. Cleop. E. iii, fos. 23 b-24.
217. Rome, SS. Apostoli, 17 August 1425. Mandate to archdeacon of Richmond, diocese York, to inquire into sentence of commissary of official of York in case of William baron of Tunstall against Robert Dene of Humbleton and Juliana Whyte of the same, alleging pre-contract of marriage between Juliana and himself; Robert and Juliana having appealed to the Holy See. Martinus. Bulla; string. 'Sua nobis dilectus'. Harl. Ch. 111 A. 34.
218. Rome, SS. Apostoli, 16 February 1427. General confirmation, with special confirmation of Southoe Church and Hail Weston Chapel,

<sup>1</sup> Written Bonesgne, but subsequently corrected, and in the following bull, where the name recurs, it is written Bouesgue.

to Huntingdon Priory. MARTINUS. Bulla lost. 'Cum a nobis'. Aug. ii. 119.

219. Rome, SS. Apostoli, 24 June 1428. Mandate to archbishop of York to grant dispensation for marriage contracted between William Kellum and Catherine Schakersdale in spite of 'impedimentum cognationis spiritualis'. Martinus. Bulla; string; the end of the string has later been looped up and stitched to a part of the flap of the letter. 'Oblate nobis pro'. [An earlier, cancelled, mandate to bishop of Durham, to the same effect, in Twemlow, *Calendar*, vii. 392.] Stowe Ch. 579.

EUGENIUS IV (1431-47)

220. Rome, St. Peter's, 1 June 1431. Licence to Humphrey, duke of Gloucester, and Eleanor his wife to have mass, &c., privately celebrated in places under an interdict. EUGENIUS. Holes (2) for threads of bulla. 'Deuotionis uestre sinceritas'. [Twemlow, *Calendar*, viii. 363.] Add. Ch. 44531.
221. Florence, 'in Sessione publica Synodali solenniter in ecclesia maiori celebrata', 6 July 1439. Announcement, with consent of Emperor John [VII] Palaeologus, of agreement arrived at, in council of Florence, between eastern and western churches, with definition of doctrines on disputed points; in *Latin* and *Greek*. FIRST LINE. Rota, subscriptions (of the pope and forty-two others). *Ad perpetuam rei memoriam*. ΕΥΓΕΝΙΟΣ ΕΠΙΣΚΟΠΟΣ δούλος τῶν δούλων τοῦ θεοῦ· εἰς ἀδίδιον τοῦ πράγματος μνήμην; subscription of emperor in red ink. Holes (2, repaired) for threads of bulla. 'Consentiente ad infrascripta . . . Letentur celi et'; 'συναινοῦντος τοῖς ὑπογεγραμμένοις . . . εὐφρανέσθωσαν οἱ οὐρανοί'. [*Magnum Bullarium Romanum*, vol. v, Aug. Taurinorum, 1860, pp. 39-42.] Cleop. E. iii, fos. 80-81.
222. Florence, 28 January 1440/1. Licence to provost and officials of Eton College to lease possessions of the college, even to laymen. FIRST LINE. *Ad perpetuam rei memoriam*. Silk threads of bulla. 'Ad exequendum debitum'. [New Palaeograph. Soc., ser. i, pl. 100.] Add. Ch. 15570.
223. Rome, St. Peter's, 11 May 1444. Plenary indulgence to all faithful who visit Eton collegiate church from first to second vespers of the Assumption. EUGENIUS. Bulla; silk. 'Dum precelsa meritorum'. [*Official Correspondence of Thomas Bekynton*, Rolls Series, 56, ii. 306-9; Twemlow, *Calendar*, viii. 271.] Add. Ch. 15569.
224. Rome, St. Peter's, 26 October 1446. Mandate to abbots of St. Benigne de Dijon and St. Pierre de Châlon and prior of St. Pierre, Mâcon, to publish and enforce mandate of Urban IV (10 March 1262, 'Illum ad apostolicam', Potthast 18243, ii. 1483) to archbishops and bishops not to interfere with execution of orders given by conservators of privileges of Cluniac Order. Eugenius. Traces of holes (2) for threads of bulla. 'Dudum siquidem felicitis'. Add. Ch. 1563.

[FELIX V (1439-49), Antipope]

225. St. Dominic's without the walls, Geneva, 24 November 1445. Appointment of Antonius Bernardi as vicar-general of the Order of Preachers, with authority to depose all adherents of Eugenius IV. FELIX. Bulla; silk. 'A supremo patrefamilias'. Add. Ch. 12623.

NICHOLAS V (1447-55)

226. Rome, St. Peter's, 23 March 1446/7. Mandate to abbot of Hulme<sup>1</sup> and vicar-general *in spiritualibus* of Norwich to cause detainers of goods belonging to Ingham Priory to restore them, under pain of excommunication. Nicolaus. Bulla; string. 'Significarunt nobis dilecti'. Add. Ch. 14714.
227. Fabriano, 13 September 1450. Licence to Maria and Catarina, daughters of Jacopo Foscari of Venice, to wear 'uestes cum caudis calceis armillorum balzorum zopellorum' and any other ornaments worn at Venice before the edict of the bishop of Castello or hereafter. NICOLAUS. Traces of holes (2, repaired) for threads of bulla. 'Tanta est deuotionis'. Add. Ch. 61157.

CALIXTUS III (1455-8)

228. Rome, St. Peter's, 12 June 1455. Mandate to archbishop of Florence to decide question of *plebanatus* of collegiate church of St. Peter's al Mercato, at issue between Boninsegna de Malchiauellis and Girolamo Bernardi de Guignis, both canons of Florence. Calistus. Holes (2) for threads of bulla. 'Apostolice sedis prouidentia'. Add. Roll 55420.
229. Rome, St. Peter's, 25 September 1455. Exemption of brethren of the hospital of St. John of Jerusalem from payment of tenth levied by Nicholas V to resist the Turk. FIRST LINE. *Ad futuram rei memoriam*. Bulla lost. 'Spetiali gracia et'. Add. Ch. 13331.
230. Rome, St. Peter's, 6 November 1456. Mandate to bishop of Liège to grant licence to Raso van der Lu . d . ., citizen of Louvain, to found altar in chapel of the Twelve Apostles of Vlake in the parish of St. Gertrude in that town. Calistus. Holes (2) for threads of bulla. 'Piis deuotorum uotis'. Add. MS. 16953, fos. 59 b-60.

PIUS II (1458-64)

231. Rome, St. Peter's, 11 September<sup>2</sup> 1458. Licence to Guillelmus Leufant [l. Lenfant?], bishop elect of Chrysopolis *in partibus infidelium*, to exercise his episcopal functions in diocese of Évreux or elsewhere if required by diocesans. PIUS. Holes (2) for threads of bulla. 'Sincere deuotionis affectus'. Add. Ch. 4468.
232. Rome, St. Peter's, 9 June 1463. Faculty to vicar general of Ultramontane province of Observatine Friars Minor to erect three or

<sup>1</sup> 'Abbati Monasterij sancti Benedicti de Sanctobenedicto Norwicen. dioc.' 'Sanctobenedicto' seems to be a slip of the pen for 'Hulmo', due to the preceding 'sancti Benedicti'.

<sup>2</sup> The words 'Tertio Id. Septembr. Septembr.' (*sic*) are in darker ink than the rest of the bull, and, since there is no apparent sign of a correction, were perhaps added later, a space having been left at first.



four houses for the order and to receive two or three houses of conventuals under stricter rule in Scotland. Pius. Bulla; string.<sup>1</sup> 'Intelleximus te nuper'. [J. S. Brewer and R. Howlett, *Monumenta Franciscana*, ii. (1882) 264 f.; W. M. Bryce, *The Scottish Grey Friars*, 1909, ii. 276 (text), i. 58 (translation).] Add. Ch. 1247.

#### SIXTUS IV (1471-84)

233. Rome, Sta. Maria Maggiore, 28 May 1473. Provision of Augustinus de Collis to a perpetual benefice or *prmissaria* at the altar of St. John in the parish church of Hainsfahrt,<sup>2</sup> diocese Eichstätt, vacant by the death of Georg Jaghafft; Roland de Carenis, to whom provision was first made, having resigned it. SIXTUS. Holes (2) for threads of bulla. 'Grata deuotionis et'. Add. Ch. 12789.
234. Rome, St. Peter's, 24 May 1476. Commission and definition of powers to abbot of Abingdon as papal nuncio to England to preach and publish indulgence of year of jubilee. Sixtus. Holes (2) for threads of bulla. 'Cum nos nuper'. Stowe Ch. 580.
235. Rome, St. Peter's, 20 April 1479. Dispensation to Thomas Haywarde, perpetual vicar of Ivinghoe, to hold also two other benefices. SIXTUS. Bulla; silk. 'Uite ac morum'. Stowe Ch. 581.
236. Rome, St. Peter's, 3 November 1480. Licence, at the request of Edward IV of England, for his nephew Edward Pool [Edward de la Pole, fourth son of second duke of Suffolk] to be elected, on attaining the age of twelve, to any see which may fall vacant. FIRST LINE. *Ad futuram rei memoriam*. Holes (2, repaired) for threads of bulla. 'Decet interdum Romanum'. Add. Ch. 13989.

(To be continued.)

### *The Beginning of Cambridge University*

It is generally agreed that the first mention of a chancellor of Cambridge is in 3 May 1231, in certain writs of the king to the sheriff of Cambridgeshire and the bishop of Ely, in which the chancellor and masters of the university appear as in control of the university.<sup>3</sup> But there is evidence that a chancellor was in existence five years earlier. In the bursary of New College,

<sup>1</sup> The bulla, unlike all others in the collection, is attached by means of slits at the top of the letter, under a narrow flap. There seems no reason for supposing that this was not the original method of fastening.

<sup>2</sup> In the bull 'Haiussurt' (not, apparently, Hainssurt), but the scribes of the papal chancery were not pedantically accurate about foreign names. Hainsfahrt has a church dedicated to SS. Andrew and John (J. K. Bundschuh, *Geogr.-Stat.-Topogr. Lexikon von Franken*, 1799, &c., s.v.), which was confirmed to the chapter of Eichstätt by Honorius III (Kön. Bayer. Ak. d. Wiss., *Monumenta Boica*, Neue Folge, III. Bd., 1910, p. 69). Medieval spellings of the name are *Hemesfurte*, *Heimesvur*, *Heimesvurt*, *Hainsfurth* (*Mon. Bo.*, index).

<sup>3</sup> *Annals of Cambridge*, ed. Cooper (i. 41).

Oxford, there is a volume labelled *Liber Niger*, in which on fo. 38 is the transcript of a deed about a dispute between the prior and canons of Anglesey and the prior and monks of Longeville Giffard concerning some tithes in Bottisham, Cambridgeshire. The prior of Anglesey appealed to Pope Honorius, who on 23 October 1226 referred the case to the prior of Barnwell and the chancellor and dean (i. e. rural dean) of Cambridge, and on 10 June 1227 they gave their decision in the church of St. Mary at Cambridge. As it was the custom for the plaintiff to mention in his letter of appeal the judges who would be suitable to try the case, the chancellor must have been mentioned in the letter of the prior of Anglesey; so that the date may be pushed back to midsummer 1226.

H. E. SALTER.

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*An 'Attracted' Script*

THE British Museum Additional MS. 23935 is a Dominican service book, and contains two versions (fos. 74<sup>v</sup> to 80<sup>v</sup>, and 572 to 579<sup>v</sup>) of the General Constitutions of the Order of Friars Preachers.<sup>1</sup> Such was the system of legislation in the order that it is possible to give, almost to a year, the date at which these were written. Nothing new could be added to the constitutions, nor could any alteration be made, unless it was approved by three successive general chapters.<sup>2</sup> Consequently when any ordinance is found in a version of the constitutions, which three successive general chapters have introduced (*inchoare*), approved (*approbare*), and confirmed (*confirmare*), the year of the confirmation may be confidently taken as the date before which that version could not have been written. On the other hand, if the manuscript does not contain an ordinance so confirmed it may be assumed that it is prior to the year of confirmation.

The first version (A) is dated 1260 (fo. 74<sup>v</sup> in the margin). This date is borne out by internal evidence. The general chapter of 1260 confirmed seven clauses (additions, alterations, or omissions). Without exception these changes are recognized and incorporated in this version.<sup>3</sup> On the other hand, the general chapters of 1261 and 1262 confirmed in all twenty clauses. The alterations in the text made necessary by this have in each case been made after this version of the constitutions was com-

<sup>1</sup> I hope shortly to publish both these versions in full.

<sup>2</sup> 'Die Constitutionen des Prediger-Ordens', ed. Denife in *Archiv für Literatur- und Kirchengeschichte des Mittelalters*, i. 194, v. 559; *Acta Capitulorum Generalium*, ed. Reichert (Rome, 1898), i. 22. See also *Acta, passim*, for examples of the working of the system.

<sup>3</sup> Compare (a) Reichert, *Acta*, i. 101, l. 26, with fo. 80, col. 1, l. 9; (b) Reichert *Acta*, i. 102, l. 1, with fo. 77<sup>v</sup>, col. 2, l. 62.

pleted.<sup>1</sup> A, then, was written after the general chapter of 1260 and before that of 1261.

The same system of dating when applied to the second of these versions proves that it was written between the years 1358 and 1363, a result far more exact than that reached by palaeography alone.<sup>2</sup> The general chapter of Strasbourg in 1358 confirmed two additions to the constitutions, the one to the section *de capitulo generali*,<sup>3</sup> the other to the section *de electione prioris*.<sup>4</sup> Both are included in the text of B.<sup>5</sup> Moreover, every change in the constitutions made by general chapter prior to the year 1358 has had its effect: B differs from A in accordance with the confirmations of the general chapters 1260–1358. B, then, cannot have been written before 1358. After 1358 the first confirmation to be found in the *Acta* is in the year 1363, when an addition is made to the section *de capitulo provinciali*.<sup>6</sup> This addition is not included in B. The date of B is, therefore, somewhere between the years 1358 and 1363.

On purely palaeographical grounds, the last eight pages may be ascribed to the fourteenth century,<sup>7</sup> but not to this late date in it. When, however, from internal evidence B is definitely placed

<sup>1</sup> Compare (a) Reichert, *Acta*, i. 106, l. 13, with marginal note fo. 75; (b) Reichert, *Acta*, i. 112, l. 15, with marginal note fo. 76.

<sup>2</sup> Add. MS. 23935 contains 579 leaves, hence the second version, B, forms the last eight pages. 'Twenty leaves at the beginning and a quire of eight leaves at the end are additions of the fourteenth century' (*Palaeographical Society, Facsimiles*, second series, plate 112). See also Wickham Legg, *Tracts on the Mass*, xxii, and the British Museum Catalogue.

<sup>3</sup> 'Confirmamus hanc: In capitulo de capitulo generali, ubi dicitur: qui durante capitulo vices magistri ordinis [gerat in omnibus] dumtaxat, que ad tractatus et acta capituli pertinebunt, deleatur illud, quod sequitur: et extra capitulum locum suum teneat, et dicatur sic: et locum magistri ordinis ubique teneat, fidelium dicat et licenciam loquendi tribuat et possit concedere litteras de beneficiis ordinis ut magister, et statim sequatur prout ponitur ibi: sed in diffinitionibus unam habeat vocem. Et hec habet iii capitula' (Reichert, *Acta*, ii. 382).

<sup>4</sup> 'Item. Confirmamus hanc. In capitulo de electione prioris provincialis, ubi dicitur: volumus, quod electio predicta spectet tantum ad priores conventuales et duos fratres ad hoc item electos [de quolibet conventu] addatur sic: pro qualibet electione de priore provinciali fienda, si pluries fieri contigerit, noviter electos. Et hec habet iii capitula' (Reichert, *Acta*, ii. 382).

<sup>5</sup> The text of the manuscript is as follows: (a) in the section 'de capitulo generali' (fo. 577, col. 2, last line), 'Si vero magistr[um] aliquo casu abesse c[on]- (fo. 578) tig[er]it, unus ex diffinitionibus eiusde[m] capituli ab ipsis diffinitionibus [ve]l maiori p[ar]te eor[um] assumat[ur] in magistri vicarium q[ui] dura[n]te cap[itu]lo vices mag[ist]ri gerat in o[mn]ib[us] du[m]taxat que ad tractatu[m] et acta cap[itu]li p[er]tinebu[n]t q[ui] locu[m] mag[ist]ri ubiq[ue] teneat et fidelium dicat et lice[n]ciam loquendi tribuat et possit conced[er]e l[itte]ras de b[e]n[e]ficiis ord[in]is ut mag[iste]r et i[n] diffinit[or]ib[us] una[m] habeat t[er]m[in]e[m] voce[m]. (b) in the section 'de electione prioris provincialis' (fo. 576, col. 2, l. 46), 'Volum[us] aut[em] q[uo]d electio predicta spectet t[an]tu[m] ad priores c[on]v[en]tuales et duos f[rat]res de quolibet c[on]v[en]tu pro quolibet el[ec]t[i]o[n]e de p[ro]v[inc]ialib[us] fienda si p[ur]jies fieri c[on]tigerit ad h[oc] ide[m] noviter el[ec]tos. . .'

<sup>6</sup> *Acta*, ii. 398.

<sup>7</sup> See n. 2.

between the years 1358 and 1363, palaeography supplies an explanation. The scribe who during these years continued the thirteenth-century service book was 'attracted' by the hand of his predecessors, and either consciously or unconsciously copied it.

G. R. COLE-BAKER.

### *Englishmen at Wittenberg in the Sixteenth Century*

THE matriculation-book of the university of Wittenberg contains many particulars of the Englishmen who resorted to it at the time when it had become the first capital of protestantism. The first to appear is 'Guillelmus Daltici Ex Anglia 27 Maij 1524',<sup>1</sup> a name which, if this form be correct, cannot be identified. It is well known that William Tyndale went to Germany in May 1524 and, according to the testimony of Cochlaeus, who saw him at Worms, went to Wittenberg to see Luther. In default of other evidence of this visit half the biographers of Tyndale are inclined to doubt that it ever took place.<sup>2</sup> It is indeed conceivable that the name of Tyndale is concealed in this first entry,<sup>3</sup> and there is no doubt of the name of 'Guilhelmus Roy ex landino, 10 Iu[nii] 1525',<sup>4</sup> that is, William Roy, who is known to have been Tyndale's assistant as the translator and author of various tracts, and who is held by Dr. E. Nestle to have been the forger of the Greek manuscript which deceived Erasmus about the spurious verse in 1 John.<sup>5</sup>

It must have been about the same time that Roy was at Wittenberg, that Thomas Dugate, *alias* Bennet, visited the place. The reason given by himself at his trial for heresy—he was martyred on 15 January 1532—is as follows: 'Feeling himself much cumbered with the concupiscence of the flesh and too weak to overcome it . . . he departed from Cambridge and went to Luther in Germany.' After he had declared his 'great

<sup>1</sup> *Album Academiae Vitebergensis*, ed. C. E. Foerstemann, 1841, i. 121.

<sup>2</sup> See biographies by R. Demaus, 2nd ed., 1886, ed. R. Lovett, pp. 117 f.; the *Dict. of Nat. Biog.*; T. More, *Workes*, 1557, p. 222 d.; G. C. Macaulay, 'The English Bible', *Quarterly Review*, 1911; A. W. Pollard, *Records of the English Bible*, 1911, pp. 3 f., 108; J. J. Momfret, *English Versions of the Bible*, 1907, pp. 83 f.; Froude, *History of England*, 1875, ii. 31; Gairdner, *Lollardy and the Reformation*, 1908, ii. 227; H. E. Jacobs, *The Lutheran Movement in England*, 1890, pp. 14 f.; *The Nation* (New York), 16 May 1912; L. F. Gruber, 'The Truth about Tyndale's New Testament', *Lutheran Church Review*, October 1916, April 1917.

<sup>3</sup> Through the courtesy of Dr. Paul Flemming of Pforta, I am able to state that in the opinion of Professor F. A. Weissenborn, the archivist of Halle, who kindly examined the manuscript now in his keeping, my conjectural emendation 'Daltin' for 'Daltici' is 'nicht ganz ausgeschlossen'. This might be taken as an anagram for 'Tindal'.

<sup>4</sup> *Album*, i. 125.

<sup>5</sup> *Introduction to the Critical Study of the New Testament*, p. 5.

frailty' Luther gave him the advice 'that if by no lawful means he could not live chaste, that he should take a wife and live a meaner life'. Of this visit nothing else is known.<sup>1</sup> Luther's next English visitor was William Paget, afterwards Lord Paget, one of Henry VIII's diplomatic agents. Probably as early as 1531 he came to Wittenberg on the matter of the divorce. While there he told Luther of the death of the duke of Buckingham, whom the king had put to death in 1521. Paget blamed Wolsey for the execution, and told the reformer that the Emperor Charles V had said, with a pun on the duke's name, 'It is a pity so noble a buck should be slain by such a hound'.<sup>2</sup> Robert Barnes was the most constant friend of the reformers. Coming to Wittenberg first as a political refugee, he was later employed by Henry on several diplomatic errands.<sup>3</sup> Like other travellers he often went through Hamburg, where he apparently made good friends. The treasurers of that city sent money by Barnes to Wittenberg to pay for the graduation of Aepinus as a doctor.<sup>4</sup> Here also he became acquainted with some pious women, whose conversion to protestantism, perhaps through his agency, brought much joy to Luther.<sup>5</sup> At Wittenberg Barnes made friends with Peter Beskendorf, Luther's barber and friend, to whom the reformer dedicated a tract on prayer. The pious barber, who in a moment of aberration murdered his son-in-law, kept an autograph album in which many famous men entered their names. That of the Englishman appears there, with a German biblical quotation, as 'Doctor Antonius Anglus, Reg. Angl. Legatus'.<sup>6</sup> On 20 June 1533 Barnes matriculated at Wittenberg under the name 'D. Antonius Anglus Theologiae Doctor Oxoniensis', Melancthon later writing his true name in the margin.<sup>7</sup> Barnes must have been married at this time, though of this nothing seems to be known to any of his biographers. On 14 February 1533 Nicholas Hausmann of Zwickau, writing to George Helt of Wittenberg, sends greeting to Antonius Anglus and his wife.<sup>8</sup> This is the only reference to the lady

<sup>1</sup> British Museum, Harleian MS. 419, fo. 125. This paper once belonged to John Foxe, but in his *Actes and Monuments*, v. 18, he departed widely from the original. On Dugate see also *Dict. of Nat. Biog.*, and Izacke, *Antiquities of Exeter*, 1734, p. 116.

<sup>2</sup> Luther, *Werke, Kritische Gesamtausgabe, Tischreden*, i. no. 337. On Paget's visits, *ante*, xxv. 665 f., xxvii. 675 f.

<sup>3</sup> On Barnes, *Dict. of Nat. Biog.*; Gairdner, i. 529, n. 2; *ante*, xxv. 665 f.

<sup>4</sup> Letter of the Hamburg Treasurers to Bugenhagen and his reply, 28 April and 8 May 1533, in O. Vogt, *Bugenhagen's Briefwechsel*, 1888, pp. 127 f.

<sup>5</sup> Letter of Luther to Abeleke Schelhofes and others, 30 June 1533; *Luthers Briefwechsel*, ed. Enders-Kawerau-Flemming, xvii. 319 f.

<sup>6</sup> N. Müller, 'Peter Beskendorf', in *Aus Deutschlands kirchlicher Vergangenheit*, 1912, p. 67.

<sup>7</sup> *Album*, i. 149. This fact is not noted in Gairdner's life of Barnes in the *Dict. of Nat. Biog.*

<sup>8</sup> *Georg Helts Briefwechsel*, ed. O. Clemen, 1907, p. 44.

I have found, unless one may so interpret a greeting sent by Roger Ascham in 1551 to Bucer at Oxford and to 'mine hostess Barnes'.<sup>1</sup>

In 1535 Thomas Cromwell made a special effort to form an alliance with the Schmalkaldic princes, with the purpose of frustrating the calling of a council by the pope. The diplomatic work of his envoys has been sufficiently treated,<sup>2</sup> but several hitherto unnoticed incidents of their visit may be here recorded, and two letters of Barnes written at this time are given as an appendix to this article. One of the ambassadors was Edward Fox, bishop of Hereford, and one was Nicholas Heath, archdeacon of Stafford and afterwards archbishop of York. They brought a handsome present to Melanchthon as an acknowledgement of his dedication of a new edition of his *Loci Communes* to Henry.<sup>3</sup> Indeed, there was much talk of their taking Melanchthon with them to England, and when they failed to get him, they thought of another reformer, Prince George of Anhalt.<sup>4</sup> The English talked freely of affairs to Luther. They complained of the tyranny of their king and admired the freedom of the German theologians.<sup>5</sup> Barnes, however, told Luther more good of his king than the reformer could readily believe,<sup>6</sup> but he and the others agreed that Henry did not care for religion,<sup>7</sup> and the others added, 'Rex noster est inconstans'. They told a strange tale of a king of England and a rustic, which appears thus in the Table Talk:<sup>8</sup>

When the king of England was wandering in the woods, he came to the hut of a poor rustic who did not know him but received him kindly and offered him food left over from a meal. When the king spurned some of it, the rustic hit him, remarking, 'Don't you know that every one is king of his own house?' The king bore this patiently and later invited the rustic to a dinner at court. There he offered him many courses, and the rustic ate some of every one. Laughing, the king said, 'You are wiser than I; otherwise you also would have been smitten,' and dismissed him.

<sup>1</sup> Ascham, *Works*, 1761, p. 378.

<sup>2</sup> *Ante*, xxv. 656 f., xxvii. 671 f.; R. B. Merriman, *Life and Letters of T. Cromwell*, 1902, pp. 213-41, 372, 419; G. Mentz, *Johann Friedrich von Sachsen*, 1908, ii. 80 ff.; G. Mentz, *Die Wittenberger Artikel von 1536*, 1905.

<sup>3</sup> This dedication, August 1535, *Corpus Reformatorum*, ii. 920. Henry's letter to Melanchthon, 1 October 1535, *ibid.*, p. 947; Melanchthon's thanks, 1 December 1535, *ibid.*, p. 995. According to a letter of A. Musa, dated Wittenberg, 11 December 1535, Fox brought 300 or 500 crowns to Melanchthon and Alesius 200 (Buchwald, *Zur Wittenberger Stadt- und Universitäts-Geschichte*, 1893, p. 113).

<sup>4</sup> F. Westphal, *Fürst Georg von Anhalt*, 1907, p. 34; Seckendorf, *Historia Lutheranismi*, iii. 111.

<sup>5</sup> Luther to Bucer, 14 October 1539, Enders, *Luthers Briefwechsel*, xii. 260.

<sup>6</sup> Luther's preface to Barnes's *Bekantnus des Glaubens*, Wittenberg, 1540 (British Museum 3906, cc. 10).

<sup>7</sup> Enders, xii. 269.

<sup>8</sup> *D. M. Lutheri Colloquia*, ed. H. E. Bindseil, i. 434. The editor applies this story to Henry VIII, but it is hard to imagine that it was he.

In order to enlighten the English, many debates were held at the university on moot points. The first of these, at which Barnes and the Scotsman Alesius took part, was on the occasion of granting the doctorate in theology to Cruciger, Bullinger, and Aepinus, on 16 June 1533.<sup>1</sup> A debate especially for the benefit of the English delegation, on the subject of private masses, was held on 29 January 1536, or possibly a week later. In this Fox took part by recalling the words of the prophet, 'I have kept seven thousand men who have not bowed the knee to Baal', which words Luther approved.<sup>2</sup> A debate on the subject of justification was also held expressly for the benefit of the visitors.<sup>3</sup> By 28 March a series of articles of faith had been decided upon and drafted,<sup>4</sup> though Luther was doubtful whether Henry would accept them.<sup>5</sup> As a matter of fact the negotiations continued for some years, the Germans sending ambassadors to Henry and his theologians.<sup>6</sup> The Lutheran propositions had considerable influence on the men who drafted the *Book of Articles of Faith and Ceremonies* handed by Fox to Convocation on 11 July,<sup>7</sup> and also on the *Institution of a Christian Man*, published by the English government in 1537. By these channels they emerged to some extent in the Forty-two Articles of Edward VI and in the Thirty-nine Articles of Elizabeth.

Until the death of Catharine of Aragon one of the main subjects of discussion between the reformers and the English envoys was the royal divorce,<sup>8</sup> but after that the common cause

<sup>1</sup> P. Drews, *Disputationen Dr. M. Luthers*, 1895, p. xv; *Corpus Reformatorum*, xii. 517, 519 f.

<sup>2</sup> *Disputationen*, pp. 69 ff.; for the date see also p. 905. One account assigns the debate to 29 January, another to the nones of February.

<sup>3</sup> *Ibid.*, p. 33, 14 January 1536.

<sup>4</sup> Mentz, *Wittenberger Artikel*. Preliminary articles had been mentioned by Barnes to Cromwell on 5 October; see appendix.

<sup>5</sup> Luther to Elector John Frederic, 28 March 1536. The articles themselves state that they were signed 8 April. Cf. Prince George of Anhalt to Helt, 3 June 1536, *Helt's Briefwechsel*, p. 103.

<sup>6</sup> On the visit of the German envoys see Merriman, i. 220; *Letters and Papers of Henry VIII*, xiii. ii. 741; Cranmer, *Works*, ii. 397; Burnet, i. 408; Strype, *Ecclesiastical Memorials*, i, appendix, nos. 94-102. Henry himself wrote a reply to the Germans on theological matters, which is extant in a manuscript at Corpus Christi College, Cambridge, and is printed, from a different manuscript, in Pocock's edition of Burnet, iv. 373.

<sup>7</sup> Wilkins, *Concilia*, iii. 803; P. Smith, *The Age of the Reformation*, 1920, p. 301.

<sup>8</sup> On this *ante*, xxv and xxvii, *ubi supra*. I may add the following details to what I there advanced. Erasmus wrote the *Responsio ad Disputationem cuiusdam Philostomi de Divortio* on 19 August 1532 (*Erasmii Opera*, ed. le Clerc, ix. 955), apparently with Henry's case in mind. There was an early English translation of this, on which see *Bibliotheca Erasmiana*, 1897, i. 174. Erasmus's amanuensis, Gilbert Cousin, wrote against the divorce a tract dated 'ex aedibus Erasmi' (i. e. 1530-5), but first published in his *De iis qui Romae Ius dicebant olim*, Lyons, 1559. I owe this reference to Professor Edna V. Moffett of Wellesley College. Andrew Fritsch (on whom see *Pamiętnik Literacki*, Lemberg, 1905, p. 512) wrote to John a Lasco from Cracow on

of the protestants against the pope took the leading place. Henry, determined, if possible, to prevent the German protestants from attending the council lately summoned by Paul III, instructed his ambassadors to take this matter up with the reformers. Barnes, accordingly, took an active part in a great debate on the authority of general councils, held at Wittenberg on 10 October 1536; and two days later he attended a banquet at Luther's house, where the same subject was discussed amidst copious potations of wine.<sup>1</sup> When, shortly after this, the papal nuncio Vergerio came to Wittenberg, he tried to meet Barnes, but the latter declined his invitation, and he also tried, without much success, to draw out Luther's opinion on the plans of the English monarch.<sup>2</sup> Barnes continued to discuss in private with Luther the lawfulness of resisting the pope in calling a council in which the protestants were sure to be condemned,<sup>3</sup> and when Fox arrived he brought with him an important manifesto on the subject. It is significant, though not heretofore noticed, that this was at once reprinted in Wittenberg,<sup>4</sup> and that another letter of Henry on the same subject, urging Christian princes not to appear at the future papal council, was at once translated into German by Justus Jonas.<sup>5</sup> But all these negotiations, inspired by Cromwell and sealed by the marriage with Anne of Cleves, eventually came to nothing. Each side entertained a deep suspicion of each other, and in July 1539 Melancthon wrote to Camerarius of the cruel edicts of the tyrant, as reported by English married priests who had come to Germany.<sup>6</sup>

Besides the official envoys a good many Englishmen drifted to Wittenberg to profit by the society of the reformers. Some of these were decent men, some were fanatics, some knaves.

20 June 1536, that Henry had executed Anne for incest, adding, 'talem exitium habet matrimonium illud execrabile'; see S. A. Gabbema, *Epistularum ab illustribus et claris Viris scripturarum Centuriae Tres*, 1664, p. 22. Albert Pighius, provost of Utrecht, wrote against the divorce in 1539-40; see *Zeitschrift für Kirchengeschichte*, xx. 115, 118, 123. Osiander's opinion is in a newly found letter to Luther, in *Theologische Studien und Kritiken*, 1918, p. 293. For Brenz on the divorce, see H. Grisar, *Luther*, 1912, ii. 376.

<sup>1</sup> Drews, *Disputationen*, pp. 99, 106.

<sup>2</sup> P. Smith, *Life and Letters of Martin Luther*, 1911, p. 304; W. Friedensburg, *Nuntiatuberichte aus Deutschland*, i. 1892, p. 538; *Corpus Reformatorum*, ii. 987; Bindseil, *Lutheri Colloquia*, iii. 89.

<sup>3</sup> Bindseil, *Lutheri Colloquia*, i. 362.

<sup>4</sup> *Illustrissimi ac potentissimi Regis, Senatus, populiq̄ue Angliæ sententia & de eo Concilio, quod Paulus Episcopus Romanus Mantuæ futurum simulavit, & de ea bulla quæ ad Calendas Novembres id prorogavit. Vitembergæ apud Iohannem Luft. MDXXXVII.* A copy of this extremely rare work is in my possession.

<sup>5</sup> Unfortunately I have been unable to see this, but a copy of it, printed at 'Wittenberg durch Joseph Klug, 1539', has been advertised for sale in Mr. Francis Edwards's *Catalogue 322*, no. 333.

<sup>6</sup> Druffel, 'Melancthon-Handschriften aus der Chigi-Bibliothek', *Akademie der Wissenschaften, München, Sitzungsberichte*, 1876, p. 511.



One of the fanatics was a certain 'Thomas Synnortonus Anglus', who matriculated at the university in the winter of 1535-6.<sup>1</sup> He may be identified with Thomas Swinnerton,<sup>2</sup> and perhaps with the 'Sir Swinnerton' who about this time made trouble for John Longland, bishop of Lincoln, by preaching heresy and sedition.<sup>3</sup> A man of better character was 'D. Edwardus Morus Anglus', who matriculated at Wittenberg in April 1539.<sup>4</sup> We find him receiving grants, as warden of Winchester College, on 2 March 1538,<sup>5</sup> and in July,<sup>6</sup> and a letter from him to Wriothesley, dated 10 June 1538, presumably written at home, has survived. He probably came to Germany soon after this, for an Englishman, who may probably be identified with him,<sup>7</sup> appears constantly as a guest at Luther's table in November 1538 and the following months. When he first came Luther offered him the services of his wife as an instructor in German, with a joke about her loquacity. A little later he talked over English pestilences with his guest—perhaps with special reference to the so-called English sweating sickness—and also wine.<sup>8</sup> On 15 January 1539 More discussed justification by faith,<sup>9</sup> and it may also be he who gave Luther the extremely twisted account of the conspiracy of Exeter and Pole that is recorded in the Table Talk.<sup>10</sup> Luther was also kept informed of the progress of the Reformation in England, of the excommunication of the king,<sup>11</sup> and of the pious frauds discovered by Latimer's visitation.<sup>12</sup> In March 1539 two sayings of his, contrasting the valour and sincerity of the English with the arrogance of the Scots whom he had known at the cloisters of Erfurt and Magdeburg, probably reflect the influence of his English guest.<sup>13</sup> Further information about the progress of his gospel in England was furnished in May 1538 by one Remige, a servant of Dr. John Thixtoll, who said that the names of the German reformers were so honoured in his country that those who had visited them were held in high honour.<sup>14</sup>

While most of Luther's English friends were honourable men, it is not remarkable that a few scoundrels tried to impose on him in the name of England, or on England in his name. An Italian priest known as Jerome Sanese (of Siena) went around pretending

<sup>1</sup> *Album*, i. 127.

<sup>2</sup> *Dict. of Nat. Biog.* His matriculation at Wittenberg is not mentioned.

<sup>3</sup> *Letters and Papers*, x. 804.

<sup>4</sup> *Album*, i. 174.

<sup>5</sup> *Letters and Papers*, xiii. 646 (4).

<sup>6</sup> On Edward More (1479-1541) see *Dict. of Nat. Biog.*, which, however, does not mention his visit to Wittenberg.

<sup>7</sup> Barnes was in England at this time, and no one else can be thought of.

<sup>8</sup> *Tischreden*, Weimar, iv, nos. 4081, 4104, 4133.

<sup>9</sup> *Ibid.* iv, no. 4331.

<sup>10</sup> *Ibid.*, nos. 4337, 4553.

<sup>11</sup> *Ibid.*, nos. 4432, 4437.

<sup>12</sup> *Ibid.*, no. 4355.

<sup>13</sup> *Ibid.*, nos. 4376, 4377.

<sup>14</sup> *Conversations with Luther*, translated by P. Smith and H. P. Gallinger, 1915, pp. 81 f.; *Tischreden*, iii, no. 3873.

to have letters from the Wittenberg reformers. With these—if they were indeed, as seems probable, forgeries—he deceived Ambrose Blaurer at Constance,<sup>1</sup> after he had caused Cromwell to suspect his character by letters purporting to come from the Wittenbergers to Cranmer and Thixtoll.<sup>2</sup> No trace of him can be found at Wittenberg. Whether the forged articles<sup>3</sup> fathered on Melancthon and circulated in England and France to the detriment of the protestant cause were due to him, I do not know. In the same year (1539) there appeared at Wittenberg one Thomas Mintern, suspected and perhaps convicted of being an English spy.<sup>4</sup> Though he was sometimes called an Italian, and once definitely a Paduan, he stated, when arrested, that he was of a noble English family, born in a place which appears in the original documents once as ‘Zuebun’ and once as ‘Serba’ (perhaps Salisbury). His claim that he had studied in various universities of Germany is borne out by their records, but his assertion that he had come to Wittenberg only for the purpose of study was discredited by Melancthon, to whom the task of examining him was assigned by the elector. He aroused suspicion by loitering about Luther’s house and trying to steal some of his manuscripts, which, when arrested, he claimed he wanted only as specimens of the reformer’s autograph. His further assertion that he was in the diplomatic employ of Henry VIII cannot be verified. Possibly some Englishman in power was trying to collect material to discredit Luther. On being bound over by the Saxon government not to do any harm he was allowed to leave Wittenberg. An experience causing more personal inconvenience to Luther was the appearance in 1541 of an unnamed Englishman with letters of introduction from Osiander. After a short stay at the Black Cloister (Luther’s house) he departed, leaving his boy in Luther’s care. As he never returned to claim him, the reformer eventually had the boy sent to an orphan asylum.<sup>5</sup>

John Rogers, the Marian martyr, is known to have lived some years at Wittenberg. He matriculated at the university on 25 November 1540. While there he took the pseudonym Thomas Matthews, under which the English Bible of 1537 was issued.<sup>6</sup>

<sup>1</sup> Blaurer to Bullinger, 17 May 1540, *Briefwechsel der Blaurer*, hrsg. von T. Schiess, ii, 1908, 47 ff.

<sup>2</sup> Merriman, i, 215; *Letters and Papers*, xiv. i. no. 806, April 1539.

<sup>3</sup> On these cf. Luther, *Werke*, xxxviii. 386.

<sup>4</sup> He had matriculated at Erfurt in the summer, 1538 (J. C. H. Weissenborn, *Acten der Erfurter Universität*, 1884, ii. 348). On his trial see W. Friedensburg, ‘Ein englischer Spion in Wittenberg 1539’, *Archiv für Reformationsgeschichte*, xiv, 1917, pp. 301-10. He was evidently ‘the King’s scholar, Thomas Mynto’, given £5 in 1539 (*Letters and Papers*, xiv. ii. 781).

<sup>5</sup> Enders, xiv. 87; *Corpus Reformatorum*, iv. 661 f.

<sup>6</sup> *Album*, i. 186; the *Dict. of Nat. Biog.* does not speak of his matriculation.

Two sons, Daniel and John, were born to him there. Dr. John Caius (1510–73) visited Germany during the years 1541–3, and made the acquaintance of Melancthon.<sup>1</sup> Further details of his journey are unknown to me. After an interval of several years during which no Englishman can be traced at Wittenberg, one ‘Gutbertus Angonius Anglus’ registered on 7 December 1557.<sup>2</sup> On 17 May 1560 ‘Daniel Schnaus Londinen. Anglus’ and ‘Robertus Belus Londinensis Anglus’ matriculated.<sup>3</sup> Of the former nothing is known; the latter may be identified, though doubtfully, with Sir Robert Bell, later chief baron of the exchequer, who died in 1577. Neither have I been able to learn anything of ‘Ioannes Wrotus Anglus’, who wrote his name on the record on 30 May 1577.<sup>4</sup> It has long been known that Fynes Moryson visited Wittenberg in 1591. In his *Itinerary*,<sup>5</sup> published in 1617, he wrote that at this town ‘they show a house wherein Dr. Faustus, a famous conjurer, dwelt’, and he also saw ‘an aspersion of ink cast by the Divell when he tempted Luther, upon the wall of St. Augustine’s college’. This is interesting as being much the earliest form of the story about Luther, the inkstand, and the devil. Peter the Great saw the same spot here at Wittenberg; others saw it at Coburg, and now it is shown to every visitor at the Wartburg.<sup>6</sup> The usual legend is, of course, that Luther threw the ink at the devil, not the other way, as Moryson appears to have it. On 12 June 1591 ‘Fynes Morison Lincolnensis, Antonius Everstildus Sussexien.’ and ‘Martin Turnerus Eboracen.’<sup>7</sup> inscribed their names on the Wittenberg register. Something is known of Moryson, but nothing of Everstild of Sussex, or of Turner of York. ‘Henricus Robertus Londiniensis Anglus’,<sup>8</sup> who matriculated on 16 December 1591, may possibly be the Henry Roberts who in 1585 was Elizabeth’s envoy to the emperor of Morocco, and who was still alive in 1606. Nothing, however, is known to me of the three names completing the present record: Thomas Locke, 7 July 1592; ‘Philippus Nowellus Anglus ex comitatu Salopiae’, who registered gratuitously

<sup>1</sup> *Dict. of Nat. Biog.*

<sup>2</sup> *Album*, i. 339.

<sup>3</sup> *Ibid.* ii. 4.

<sup>4</sup> *Ibid.*, p. 268. Three brothers, Richard, Thomas, and Edward Wroth, matriculated as English nobles at Heidelberg on 4 May 1560. Against the name of Edward was added: ‘minorennis, fidem tantum dedit’ (G. Toepke, *Die Matrikel der Universität Heidelberg*, ii. 20). Has it ever been noticed that the great English Puritans Thomas Cartwright and Richard Smith matriculated at Heidelberg on 25 January 1574 (*ibid.*, p. 69)?

<sup>5</sup> *Itinerary*, 1907, i. 14 ff.; iv. 348. Neither the biography in the introduction nor that in the *Dict. of Nat. Biog.* speaks of his matriculation.

<sup>6</sup> On the ink-spot see Köstlin-Kawerau, *Martin Luther*, 5th ed., 1903, i. 440 note. The earliest record of seeing this spot here mentioned is that of Peter the Great in 1712.

<sup>7</sup> *Album*, ii. 383.

<sup>8</sup> *Ibid.*, p. 337, and *Dict. of Nat. Biog.*

on 25 October 1595; and 'Guilielmus Friston Anglus in comitatu Soffolcie prope Gipsicum [Ipswich] natus, gratis inscriptus' on 15 October 1601.<sup>1</sup>

PRESERVED SMITH.

#### APPENDIX

British Museum, Cotton MS. Vitellius B, xxi, fo. 120 f.<sup>2</sup>

Wittenberg, 6 October 1535.

*Robert Barnes to Thomas Cromwell*

To the ryght honorable M. Thomas Cromwel, secretary to our sovereign lorde the Kyng's grace most worthy.

Ryght honorable Syr, my deuty concydyeryd your h[onor should know] that I have byn here with the elector and with hys [theologians] and have proposyd suche thynges as ware commytty[d unto me. Your] h[onorable] goodnesse shal persayve be myne oration had to [the elector that (] thanke god) I have optaynyd al my petitions, as your h[onorable] M[astership will] understand by the electors ansuer, wyche I send yow als[o]. I desyre your h[onorable] M[astership] to rede myne oration to the elector and t[o] geve M. Almener<sup>3</sup> hys articles, that he and I mae agre, fo[r] we must propose more artycles here than wone, ne videam[ur] tantum querere nostra. I dyd tel M. Almener my menyng. Here ys a gret preparyng for hym in the electors owne castel. And as for locum in federe,<sup>4</sup> the elector was very glad of, in so much that streyt ways he wrot owt for a congregation of al them that be in federe to be had on S. Nycolas day<sup>5</sup> next. And his counsel ys that the Kynges imbassaturs shuld be ther with the King's g[race's] letters for dyvers causys, lest that other men shuld thynke that he wold take al the honore to hym selfe and so myght cause a gruge, and also he myght speke frelyer in the Kyng's cause yf the matter ware proposyd by us and not by hym. He intendeth very earnestly on owr pryneys syde, and doutyth not but al thynges shal come to passe as your g[racious] pryNSE wyl haue yt. And as for hys ful consent we haue yt, as your h[onorable] M[astership] shal perseyve by hys ansuere. As concernyng phyllyppus,<sup>6</sup> here hath byn gret labur, and ys yyt to haue hym in to franse, but I haue stopyd yt, and by gods g[race] (yf he and I do lyve) I shal bryng hym with me, not wythstondyng the elector wold not grant me so moche in hys ansuer for dyvers causys, nor yyt wold that I shuld wryt yt from me, be cause he wold not haue yt noysyd, and the sayng gothe here that the elector wyl not let hym departe, Notwithstandyng he hathe grantyd me with hys owne mouth that I shal haue hym at his retornyng home agene wyche wyl be within vi weks. Yt dyd cost me gret labur ere I brout yt to passe for as moche as he had [promised] the Kyng of franse afore, but I had wone furdele<sup>7</sup>

<sup>1</sup> *Album*, ii. 391, 426, 484.

<sup>2</sup> An abstract of this is in *Letters and Papers*, ix. 543. In this and the following letter, extensions and restorations where the text is damaged are indicated by brackets.

<sup>3</sup> An agent often spoken of in the contemporary State Papers.

<sup>4</sup> i. e. in the Schmalkaldic League. A Bundestag was called especially to consider the admission of England as an ally.

<sup>5</sup> 6 December.

<sup>6</sup> On this effort to bring Melanchthon to France, see Smith, *Life of Luther*, p. 296.

<sup>7</sup> fordeal, Vorthheil.

afore [in that] I had al hys doctors of Wytemberg on my syde, wyche wrote [letters] to hys grace, hose leters I send yow here. I thynke yt wyl greue the Kyng of franse very sore, in so much that here is word comyn that Langius<sup>1</sup> shal come in al haste to feche phylpe, but I haue provydyd for hym al redy. Here I send your h[igh] goodnesse the copy of the Kyng of fransys leter sent on to phylpe,<sup>2</sup> wheryn yow mae know the Kynges mynde. More, I send yow the copy of the elector's leters<sup>3</sup> sent to the Kyng of franse denyng phylpys comyng in to franse. So that I trust your h[onorable] goodnesse shal persayve my faythful dilygense in my pryncys cause. Your h[onorable] goodnes knowyth (no man beter) ho that I desyre no thyng more in erthe than to be found faythful to god, and treu to my prynce, notwythstandyng how untreuly that men hath reportyd of me in thes causys, your h[onourable] M[astership] knowyth also. But yf they intendyd as treuly to ther prynse as I do, we shuld haue no nede to fere owre outwerd enemyse, god shal iudge bothe them and me. But to my purpose. Al thyng is brought to passe that my prynse hath recuryd of me; wherfore I desyre your h[onorable] M[astership] that Master almener mae come shortly, and none other but he, for in the handlyng of thos artycles that he shal bryng hyth al to gether the stablessyng of al christendome, and the stoppyng of al owre aduersaryse mouthes, and I know no man so fyt to do thes thynges as he.

#### Neus.

The elector dothe take hys jorney to Kyng Fardinandus on S. denyse day<sup>4</sup> with 300 horse wel a parellyd. Fardinandus desyareth gretly his frenshyp. What the matter ys, I thynke to know at hys returnyng. The popet of Rome hathe sent hys legate<sup>5</sup> into garmany, he hathe not been with the elector nor with any of hys lege, wherfor I can not wryte what hys matters be, but I have layd wayt to know. The elector of Brandenburg ys comyn home and hys bryde the Kynges daughter of pole<sup>6</sup> wyth hym on sonday last past. The Kyng of franse and his adherents hathe put forth certen articles<sup>7</sup> in martyns phyly[pus and] pomerans<sup>8</sup> namys a genst whome merten<sup>9</sup> hathe wry[ten a reply which I send] yow here. Duke George<sup>10</sup> dyd wryte a letter on to the [King of France which I send in as] moche as he makyth mention in yt of owr prynse, th[e King of England.] Christofer<sup>11</sup> the ducheman came to gene<sup>12</sup> owt of Franse t[o me. I saw him on] fryday was 8 days, and ther I left

<sup>1</sup> De Langey, the French ambassador in Saxony.

<sup>2</sup> Dated 23 June 1535 (*Corpus Reformatorum*, ii. 879).

<sup>3</sup> 18 August 1535 (*ibid.* 905).

<sup>4</sup> 9 October.

<sup>5</sup> Peter Paul Vergerio (see Smith, pp. 303-7).

<sup>6</sup> Joachim II, elector of Brandenburg 1535-71, took as his second wife a daughter of Sigismund I of Poland.

<sup>7</sup> The forged articles, see above, p. 428.

<sup>8</sup> Pomeranus, or John Bugenhagen, priest at Wittenberg.

<sup>9</sup> Luther, *Werke*, xxxviii. 386.

<sup>10</sup> Of Albertine Saxony, an enemy of Luther.

<sup>11</sup> Mont, or Montaborinus, a German in English service.

<sup>12</sup> Presumably the place that appears as 'Jainvil' in Mont's own letter of 7 September, i. e. the principality of Joinville, then an imperial fief.

hym. Lubicensis co[m]parant] nouum exercitum.<sup>1</sup> Thes be all the nevs that I know. I desy[re your] h[onorable] mastershpy that we mae have a commission to dispute with co[chlaeus]<sup>2</sup> et purgare famam nostri principis et extinguere virulenta [male]dicentia insulsissimi hominis, for al men here that be the Kynges fr[riends] thynke it gretly for the Kynges honore that the folys [fool's] mouthe shuld be stopyd, evyn afore hys owne prynce, and it shuld also be a gret sty[f]lyng on to al papis[ts]. I am not a frayd to dispute with hym allone, yf none other man come. Fynally I wold pray your goodness to send me more money, for verlyly I ame and must be dayly at grēt charge, and yt shuld be a genst my pryncys honore yf I shuld pynche or spare, and I have nothyng of myne owne to bere owt the chargys wyth. Also I must have money plenty to pay for phylyps costs and al others that he shal bryng wyth hym and to by hym horse and other necessaryse for hys jorney, as your honorable wysdome can wel thynke. I desyre your mastershpy to excuse me that I wryte not to my most gracios prynce, for I know not hys plesure, nor can I wryte worthly to so noble a prince. Your mastership knowyth my fayth. Thus Jesus kepe yow in honore and vertu. Amen. In Wyttemberg, 6 Octobris by  
your dayly oratur  
ROBERT BAR.

British Museum, Cotton MS. Vitellius B. xxi, fo. 123.<sup>3</sup>

Gotha, 28 December 1535.

*Robert Barnes to Thomas Cromwell*

Gote in Turingia in festo pue[rorum, 1535].

Ryght honorable syr my deuty consideryd. Your mastershpy [should know] that my lorde<sup>4</sup> hathe byne wyth al the confederators and hath h[andled] all things . . . ]usly hard, in so moche that he hathe brought to passe al thy[n]ges that our] soverane lorde desyreth (as farre as I could evyr perseve by your m[astership's] comunycation) sayving all only that he hathe not spokyn of the Kynges [marriage] for ther was neyther tyme nor place convenient, but now he is goy[ng to] Wyttemberg to intrete of those matters ther, wher I trust thorow g[od's] helpe and my lordes wysdome we shal make a good ende. Thys thyng [I] do know that the elector wold gladly that hys lernyd men and w[e] myght a gre. I have so informyd<sup>5</sup> hys grace that he is not a genst us, but he had rather (for fere of the emperoure) that hys lerdnyd [sic] men should handyl the matter than he for as much as yt perteynyth to lernyng. Farder more, Marten est multo equior causae

<sup>1</sup> Lübeck was now in the throes of a struggle against Denmark, the populace having risen under Georg Wullanwever in the vain attempt to establish an independent republic. On this see P. Smith, *The Age of the Reformation*, 1920, pp. 118 f. The State Papers show that England took a lively interest in the matter.

<sup>2</sup> John Dobneck, commonly called Cochlaeus, had been aroused by the death of his friends More and Fisher to write an attack on Henry. See M. Spahn, *J. Cochlaeus*, 1898, p. 258.

<sup>3</sup> This manuscript has been damaged by fire, making it necessary to supply a few words, which are here included in brackets. There is an abstract of the letter in *Letters and Papers of Henry VIII*, ix. 1030.

<sup>4</sup> i. e. Fox, lord bishop of Hereford.

<sup>5</sup> i. e. won him over.

quam antea; Jonas non repugnat; Phylippus videtur nobiscum esse. Solus pomeranus mordicus resistit sed non despero de felici successu. But as concernyng thos matters that hathe byn handlyed cum confederatis,<sup>1</sup> treuly my lorde hathe usyd hym selfe wysely and leke a noble man, and drevyn the matters to the uttermost bothe for the Kynges pleasur, and also for the Kynges honore, wherfor I wolde desyre your h[onorable] M[astership] seyng that the matters be brought to so good a conclusion that yow wold thourow your wysdome fynd the mayns that nothyng be requyryd of thes men that shalbe to hard for them to grant, for then al owr labur ys lost, and no thyng shal come to passe, and I had rather take some resonable thyng now than lose al. Aftywarde occasion mae be gyven to optayne al owr desyr. And as farre as evyr I dyd perseyve owr soverayne lorde nevyr desyryd more than that they shuld a gre as concernyng the counsel and the pope the wyche thyngs they have grantyd to the utmost. Ther ys nothyng that I can se to be [ . . . ] owt of [ . . . . . ] that they aske so moche money, the [ . . . ] I tolde your h[onorable] M[astership] always that they wold do, but thys I [desire] that yt mae be brought to passe that they shal do sumethyng for thys money. Your h[onorable] M[astership] is wyse and can mark better thys thyng than I can tel. But treuly your h[onorable] M[astership] dyd the Kyng hey servys whan yow sent my lord in these matters for doutles he usyth hym selfe leke a wyse man in al poynts and sparyth no money in tyme and place. And it pleaseth thes men very moche that he ys so wyse and lyberal. They are also proud that yt plesyd the Kinges g[race] to send them so honorable an embassatur. And treuly thes thynges helpe moche to persuade men. Thys I dare say, that he ys not in Ynglond that could have done the kyng better servys in thes matters than my lorde. I ame in a gret love wyth hym by cause he hathe usyd hym selfe so honorably, thowh he and I do not a gre in omnibus articulis religionis, but I trust at length so to use hym that ther shalbe no gret varyans, for he ys gentyl and mae a byde al maner of honest communication, wherfor I dout not but to drawe hym at length to me thorough goddes grace. I have reseyyvd xx li. of my lorde for the wyche I thank your h[onorable] Mastershypp, but I desyre your h[onorable] M[astership] to remember us with more money, for treuly we are at gret charges and your h[onorable] M[astership] promysed me at my departyng to increse my dyet at my lordys comyng. I have here at my charge to the Kinges honore v horse, for as your h[onorable] M[astership] knowyth such thynges wyl not be brought to passe with owt gret apparal. I dare say that my lorde do spend every weke above hys dyet xv li. or xvi li. at the lest, besyde rewards wyc[he] be very grete, but your h[onorable] M[astership]. . . .<sup>2</sup>

[Your dailly bedeman.

R. B.

<sup>1</sup> i. e. with the Schmalkaldie League.

<sup>2</sup> Manuscript burnt away here.

## *Reviews of Books*

*Origines de la Normandie et du Duché d'Alençon de l'An 850 à l'An 1085.*

Par le VICOMTE DU MOTÉY. (Paris : Picard, 1920.)

THE object of this monograph is to elucidate the history of Bellême before that fief and the other possessions of the house of Talvas passed to the notorious Robert II. The beginnings of the family are obscure, and the Vicomte du Motey has done good service in collecting the relevant materials, partly from the older historians of Perche and Alençon, partly from the archives of the Orne. He has given his special researches in a framework of Norman history, and to some extent he has made it difficult, by this method, to disentangle what is new in his book from what is merely compilation. Nor is the compilation always made from the best authorities. His account of Roger de Montgomery and the earldom of Shropshire could have been materially improved by reference to Eyton and to Professor Tait's article in the *Victoria County History of Shropshire*. We regret also the absence of a map showing the fiefs of the house of Talvas. Such a map is, however, to be found in the third volume of the new edition of Palgrave's *Normandy and England*, and, since it is constructed from data supplied by the Vicomte du Motey, it can be used with advantage in connexion with this monograph.

There are five leading documents upon which M. du Motey relies for the history of the Talvas family. (1) The foundation charter of Notre-Dame de Bellême granted by Yves I, who probably died about 1005 (Archives de l'Orne, H. 2150). Only the 'essential parts' of this charter are here printed (p. 76), and therefore a judgement on its authenticity is difficult. It is known to us through two copies of the eleventh century. The language is rhetorical, but the substance of the grant may well be authentic. The place of issue is the castle (*castrum*) of Bellême; there is no indication of date. (2) The foundation charter of L'Abbayette, granted by Yves I in 997; this has been printed by M. Bertrand de Broussillon<sup>1</sup> from the original. (3) The foundation charter of Lonlay (Archives de l'Orne, H. 921), granted about 1020 by William Talvas I. M. du Motey quotes from this document (p. 131) but does not print it *in extenso*, although it is one of his cardinal documents. (4) The charter of William Talvas I to Sigefroy, bishop of Séez, which is here printed (p. 145) from a cartulary of the chapter of Séez, now in the public library at Alençon. The date is not earlier than 1023. (5) The pretended charter of William Talvas I in favour of St. Leonard of Bellême (Archives de

<sup>1</sup> *Cartulaire de l'Abbayette* (1894), no. 1.



l'Orne, H. 2151). This grant, if genuine, would belong to the period 1023-6. But it is known to us only through a confirmation attributed to Philip I which is generally regarded as apocryphal;<sup>1</sup> it contains anachronisms and chronological inconsistencies; and it is inconsistent with the account of the foundation of St. Leonard which has come down to us in an authentic document of earlier date, which M. du Motey has utilized for another purpose (p. 261). This is a record of a plea held in the Conqueror's Curia between 1070 and 1078 respecting the rights of the bishop of Sées (Archives de l'Orne, H. 2156; Round, *Calendar of Documents in France*, No. 1190). The record states that St. Leonard was founded in accordance with the orders of Pope Leo (IX) by William Talvas (II); and that this was proved by men of great age who had witnessed the foundation. Since witnesses were produced it is clear that the foundation cannot have been authorized by any other Leo than Leo IX. We are therefore justified in eliminating this fifth charter from our list of authorities.

Of the chroniclers there is practically but one who has devoted special attention to the Talvas family. This is Orderic Vitalis, whose animus against the *malefica prosapia* is undisguised. Orderic's information is distributed between his edition of *William of Jumièges* and his own *Historia Ecclesiastica*. It is very largely a tissue of scandals which reached St. Évroul through the Giroie family, and particularly through Rénault d'Échauffour, who was a monk of St. Évroul in Orderic's time.<sup>2</sup> St. Évroul had been re-founded by Guillaume de Giroie, the grandfather of Rénault, and one of the reputed victims of the Countess Mabel; and, perhaps for this very reason, the house appears to have been singularly oppressed by Robert II of Bellême.<sup>3</sup> Orderic was therefore naturally disposed to believe any charge against the Talvas family, however improbable it might be. M. du Motey has devoted himself with some success to exposing the more outrageous of Orderic's calumnies (pp. 223, 251), but it is curious to find him basing his history of the origins of the Talvas upon a statement from this source which appears to be particularly open to criticism.

According to Orderic<sup>4</sup> Yves I of Bellême made his début in the year 945 by helping to rescue Richard I of Normandy from the grasp of Louis d'Outremer. But it is very improbable that Yves, whose charter to l'Abbayette is dated 997, and who is reported on fairly good evidence to have been still alive in 1005 (p. 120), should have been of man's estate as early as 945. The improbability increases when we observe that an uncle of Yves, Bishop Sigefroy of Le Mans, was alive in 997, in which year he joined with Yves to found l'Abbayette. Two such cases of longevity in the eleventh century would be indeed remarkable. M. du Motey not only accepts Orderic's story but proceeds to build upon it. He argues that the charter of Yves to Notre-Dame de Bellême was issued soon after 945, while Yves was still at variance with Louis d'Outremer.

<sup>1</sup> See Prou in *Mélanges de Paul Fabre* (1902), pp. 215-32.

<sup>2</sup> *Hist. Ecc.*, ed. Prévost, ii. 110.

<sup>3</sup> *Ibid.* iii. 421; iv. 307.

<sup>4</sup> *Ibid.* iii. 88, and Orderic's edition of *William of Jumièges*, bk. iv, ch. 4 (ed. Marx, p. 152).

But we see no reason whatever for attributing this charter to the reign of Louis d'Outremer, or for presuming that Yves was out of favour with the (unnamed) king whose ratification he states that he hopes to obtain. The king in question may have been Hugh Capet or even Robert I.

We are driven back to the charter of L'Abbayette as our main authority for the antecedents of Yves. He there mentions his father Fulcoïn and his mother Rhotais, but nothing further is known of them. He gives to L'Abbayette a number of vills in Mayenne near the frontier of the Avranchin, and speaks of them as old property of his house ; he mentions his uncle Bishop Sigefroy of Le Mans. From all this we may conclude that his family belonged to the county of Maine ; the inference is strengthened by the fact that his son William Talvas I speaks of many hereditary fiefs belonging to the family in the Norman Passais, which had been originally part of Maine. How the family acquired Bellême can only be conjectured, but Orderic calls Yves *regis balistarius* ; Yves may have held this office under Hugh Capet, and may have received Bellême as a reward for his official services. The transference of the Norman Passais from Maine to Normandy at some uncertain date before 1020 is probably the beginning of the close connexion between the Talvas family and the Norman dukes. The first clear proof of such a connexion is given by the charter of William Talvas I to the bishop of Séez. William had married a Norman wife, Matilda, who was possibly a sister of Duke Richard II (p. 117) ; and in 1022 we find him bestowing the *bourg* of Séez and other properties in the Pays de Séez upon another Bishop Sigefroy, who appears to have been his kinsman. Long afterwards it was claimed by Robert II of Bellême that Duke Richard (II) had given the bishopric of Séez to William (I) of Bellême.<sup>1</sup> Whatever may be the value of this statement, William Talvas I was a great proprietor in the Pays de Séez, and his position was approved by Duke Richard II, who attested his charter to the bishop. That William was lord of Alençon and Essai is proved by his foundation charter to Lonlay. M. du Motey is of the opinion that William had inherited his position in the Pays de Séez ; that his ancestors were practically seigneurs of this district before the diocese of Séez was divided between the duke of Normandy and the king of France ; that this division, which made the Sarthe the boundary between the French and Norman portions of the diocese, took place during the minority of King Lothaire and in the lifetime of Duke Hugh the Great, consequently in the years 954-6 ; and that the duke allowed the lords of Bellême to hold from him on specially favourable terms such of their possessions as became Norman territory under the settlement (pp. 80-1). These interesting hypotheses rest, so far as we can see, upon no evidence whatever. M. du Motey does endeavour elsewhere to prove that the Talvas family enjoyed exceptional privileges in the Pays de Séez ; but his proofs are not strong. In 1269 St. Louis acknowledged that the pleas of the sword were appurtenant to the castles of Alençon and Essai ; but rights of this kind were held by many Norman barons in the eleventh century. In 1089 Robert II of Bellême took from the abbot of St. Martin of Séez an oath that the men of the abbey would assist Robert and his father if they should make war on

<sup>1</sup> *Hist. Ecc.*, ed. Prévost, iii. 421.

the duke in self-defence (Motey, p. 147); but it remains to be proved that Robert was entitled to demand such service or that, if he was, his right depended on a special treaty concluded by his ancestors with the duke. We have no evidence that the house of Bellême had any vassals in the Pays de Sééz before the time of William Talvas I.

The history of the Talvas family is comparatively simple after 1031. The Norman and the French estates were divided in 1033 between two brothers, Yves II and William II. Yves took Bellême, for which he did homage to Henry I of France; he became bishop of Sééz in 1035 (doubtless through the influence of his brother) and died in 1070. William II predeceased his brother by about fourteen years, leaving as his sole heiress the notorious Countess Mabel, the wife of Roger of Montgomery, who even at that date was one of the greater Norman barons, holding estates which extended from Montgomery almost without a break to the sea, and also the hereditary vicomté of the Hiémois. In 1070 Mabel succeeded to Bellême, and her eldest son Robert II was designated as her heir. To his history M. du Motey has devoted special attention, and this volume contains some tantalizing references to unpublished materials which are reserved for a future monograph on this subject.

There is one point on which we hope that he will reconsider his conclusions before this monograph appears. He appears to assume that Bellême was still a fief of the French Crown after the death of Yves II. But the above-mentioned record of the lawsuit heard in the years 1070-8<sup>1</sup> shows that Roger of Montgomery claimed to hold Bellême from the Conqueror; and we are told by Orderic that Bellême was held by a ducal garrison at the time of the Conqueror's death.<sup>2</sup> Robert II of Bellême evidently attempted to revive the connexion with the Crown of France in or about the year 1092, when he is described by Philip I as *quidam vassalus meus*;<sup>3</sup> but in 1114 the suzerainty over Bellême was definitely conceded by Louis VI to Henry I.

H. W. C. DAVIS.

*Recueil des Actes des Rois de Provence, 855-928.* Publié sous la direction de MAURICE PROU par RENÉ POUPARDIN. (Chartes et Diplômes publiés par les soins de l'Académie des Inscriptions et Belles-Lettres. Paris: Imprimerie Nationale, 1920.)

M. POUPARDIN, under the experienced 'direction' of M. Prou, has made in this work an excellent addition to the by-ways of Carolingian diplomatic. He has laboriously collected, edited, and annotated every document that he could lay hands on that emanated from the 'chancery' of the three kings of Provence, Charles, Boso, and Louis the Blind. Yet with all his efforts he could only find in a period of seventy-three years some fifty-nine acts, and some of these notorious forgeries. A much greater difficulty than that arising from fabrications, easily detected by the expert, is the trouble springing from the fact that the great majority of M. Poupardin's charters are known to us only through late cartularies, and not a few only from seventeenth- or eighteenth-century copies of

<sup>1</sup> Round, no. 1190.

<sup>2</sup> *Hist. Ecc.* iii. 262.

<sup>3</sup> Prou, *Recueil*, no. 129.

originals that subsequent negligence and revolutions have combined to destroy. It required a rare combination of scholarship, judgement, and patience to build up out of such materials so solid and informing a volume as that which lies before us. But M. Poupardin has not only given us an excellent text of his charters, but a most careful account of the provenance of each record and all the necessary annotations to elucidate the obscurest of texts. So dark is the ground covered that many of the names of the places whence charters were issued, or to which allusion is made in their text, are quite unidentifiable even by the minute knowledge of the old Burgundian realm which M. Poupardin possesses. Nevertheless, M. Poupardin has not only carried through his work successfully, but has in his elaborate introduction put together an excellent account of the diplomatic of his charters, including a description of the 'chancery' and secretarial methods of the Provençal kingdom that is a very substantial and novel contribution to historical knowledge. He has in particular made excellent use of the few original charters and of the still fewer sealed charters of Provençal-kings that still survive. Some well-executed facsimiles of monograms and seals help us to appreciate and to test his results. It would have been still better if M. Poupardin had been able to add to these illustrations two or three photographs of characteristic sealed documents in their entirety. But in these days of dear printing we cannot complain of what we have not got, but must rather be thankful for the goodly store which M. Poupardin has provided for us.

The student of English diplomatic will be struck with the contrasts which these Provençal charters present with corresponding documents issued in our own country. In a period when the West-Saxon monarchy was but slowly developing into the single English state, he will find that it is a rare exception for documents to be authenticated by the *signa* of witnesses, and the normal thing for them to be drawn up in a more or less organized secretarial office and to be issued by a chancellor or chief notary or a subordinate notary acting in his behalf. He will find, too, a continuity of method of redaction which testifies not so much to a continuity of administrative tradition in the royal court as to the influence which the church of Vienne possessed over the administration of the kingdom of Provence throughout this period. The archbishops of Vienne were *ex officio* chancellors or archchancellors of the Provençal monarchs. They were too great men to act often on their own account, and most charters were 'recognized' and drawn up by a notary acting in their behalf. These notaries were clearly clerics, and connected, one suspects, with the household of the archiepiscopal chancellor, who is himself not seldom described by the king as 'sacri palatii nostri summus notariorum'. In some ways, however, these eighth- and ninth-century charters are in advance of English charters of a much later date, notably in the general use of the seal. This seal, an antique gem of the 'signet' type, surrounded by a metal inscribed ring, was of course of 'one piece', and its impression stamped on to the body of the document. It is not normally called a seal; its use is described almost invariably as 'annuli nostri impressione', and there is the further authentication or signature by the royal monogram, 'monogrammate proprii nominis nostri subter firmavimus' or 'manu

nostra subter firmavimus'. Besides this, there is the almost invariable mention of the chancellor or notary who 'recognized' or composed the act. Above all, there is in the majority of documents a welcome mention of the date, giving in many cases both the day and month after the Roman fashion, as well as the year of our Lord, the regnal year of the sovereign, and in many cases the indiction. In many of these respects these charters are analogous to those of Anglo-Saxon England. The use of seals shows a more developed diplomatic, but contrariwise the rarity of witnessing by the 'signum sanctae crucis' of the participators takes away one helpful method of fixing an approximate date of undated charters. It is curious that the undated charter becomes the rule in England between the Norman Conquest and the accession of Richard I. Ninth-century Provence was wiser in this respect than eleventh- and twelfth-century England, despite the immense administrative progress made in the interval. On the other hand, the Latin of the Provençal charters is often extremely incorrect, and the long-winded phraseology, the work, one suspects, of the church of Vienne rather than the *palatium regis*, is often of a distinctly primitive sort. The documents, however, are all of analogous type, and M. Poupardin is right in regarding the style as given by the issuing authority. The charters do not seem to have been composed in the churches in whose favour they were issued.

T. F. TOUT.

*Leding. Militær- og finansforfatning i Norge i ældre tid.* By EDVARD BULL. (Kristiania : Steenske Forlag, 1920.)

IN continuation and development of studies in the local administrative history of Norway published in the (*Norsk Historisk Tidsskrift*),<sup>1</sup> the author systematically investigates the history of Norwegian taxation for military purposes as one of the most important elements in the formation of the Norwegian state out of the earlier tribal organization. Indeed, as the primary duty, incumbent upon the various districts, of making contributions in kind, that is in men and ships, to the royal expeditions, slowly changes into a money tax levied for the upkeep of a feudal army, society passes from the stage of uniform peasant life to one of marked differences in real property and social rank. The book traces this financial and military process from the oldest sources of Norwegian law, the popular *gamle love*, through the charters and registers of the later middle ages down to the monarchy of the sixteenth and seventeenth centuries and its attempts, corresponding to the contemporary German *Defensionswerke*, at retransforming the tax into an actual universal levy.

The argument follows everywhere closely the history and characteristic differences of the single Norwegian districts and localities, which are illustrated by special maps printed in the text. But general historical interest is never sacrificed, and the arrangement of chapters is on systematic rather than topographical lines. Foreign, particularly English readers, will perhaps first of all look to the seventh chapter on *Fremmed påvirkning*, which deals with the analogous institutions of the maritime kingdoms of medieval northern Europe, Sweden, Denmark, and England.

<sup>1</sup> Række IV, vol. v.

The author seems in the main to accept the theory put forward by Alexander Bugge in his famous book on *Vesterlandenes Inflydelse paa Nordboerne i Vikingetiden*, that the special form of service in the king's expedition (preferably naval expedition) called *leding* spread from Sweden to Denmark and Norway and thence to England through the 'Danish' invasions. Whereas Scandinavian research, such as Professor Arup's latest interpretation of the *leding* as a defensive as well as an offensive force,<sup>1</sup> is fully utilized, Anglo-Saxon naval service is treated from older authorities, such as Freeman, Stubbs, and Dowell. The author might now have referred to Dr. Liebermann's *Gesetze der Angelsachsen*,<sup>2</sup> where there is a complete collection of the Anglo-Saxon material as well as the recent literature on the subject.

The examination of the Norwegian sources themselves starts with a comparison between the military sections of the two chief popular laws, the *utgerðar-bolk* of the *Gulatingsslov* and the *utfararbolc* of the *Frostatingslov*, the texts of which are quoted in full in a modern Norwegian version (cc. ii and iii). As the titles of the two sections, laying stress the one on equipment, the other on personal service, would seem to suggest, the difference between the two organizations of *leding* in the territory of the Gulating, the Vestland, and that of the Frostating, the Trøndelag, chiefly consists in their different age. The Vestland *leding*, going back to the reforms of King Håkon the Good treated in the Sagas, viz. the Fagrskinna and Snorre's *Heimskringla*, and mainly reproduced still in King Magnus the Lawbetterer's code at the end of the thirteenth century, shows a careful development of the successive territorial division into *fylker*, *fjerdinger*, *skibreder*, and *manngerder*; a transformation into an annual imposition as early as the twelfth century; and since the 'law revision' of King Sverre in the beginning of the thirteenth century a considerable increase of its burden. The *leding* of the Trøndelag shows all these features in a rudimentary and belated shape, preserving the original military service of the boat of twenty oars as late as the thirteenth century. A chapter (vi) devoted to the frontier district towards Denmark, Viken, where the so-called *Borgartingskristenret* is silent on secular matters, corrects the opinion of Hertzberg, that this district by special favour of the Danish kings enjoyed an exceptionally light service, by proving that this holds only good of part of Viken, and that the part where Danish influence was strongest, the well-known Båhuslen and Smålenene, are characterized by the imposition of the so-called *lide*, an imposition as heavy as that of Vestland.

The author's account of the ecclesiastical and feudal immunities from *leding* (c. ix) already leads on to, and indeed greatly elucidates, the gradual commutation of the service into a money tax (*skat*). Even the laws, privileges, and treaties regulating these exceptions, such as the Concordate of Tunsberg of 1277 or the contemporaneous *Hirdsskrå* for the king's feudatories, distinguish between personal service in the royal expedition, which the ecclesiastical and secular dignitaries discharged in more modern and individual forms than the old popular *leding*, and the military tax, which tended to become a burden on real property in proportion as ever wider classes of persons were freed from it. Among the

<sup>1</sup> [*Dansk*] *Hist. Tidssks.* v. 8.

<sup>2</sup> ii, 638 f., s. v. *Schiff*, 3-3 f.

many sidelights the book throws on terms of Norse constitutional history is the demonstration that the notion of *visere* so far from forming a contrast to *leding*, as Munch, Hertzberg, and Taranger have taught, as a comprehensive denomination of the whole fixed royal income even embraces *leding* in so far as this had been commuted into a money tax (pp. 84 ff.). The two concluding chapters on the decline of the *leding* service and the rise of the *leding* tax illustrate the close parallelism between these two sides of one and the same process, first in the corresponding relaxation of the universal levy and tightening of taxation, as the king's administration seeks to hold its own against the feudal estates, and then in the emergence both of reminiscences of the old service laws and of all sorts of new military taxes, as the modern monarchy develops its direct rule over the whole country.

C. BRINKMANN.

*Il Chronicon di Benedetto, Monaco di S. Andrea del Soratte; e il Libellus de Imperatoria Potestate in Urbe Roma.* A cura di GIUSEPPE ZUCCHETTI. (Fonti per la Storia d'Italia. Rome: Istituto Storico Italiano, 1920.)

THE Istituto Storico Italiano stands nearly supreme among publishing societies for the luxurious splendour of its productions. But this opulence has its dangers; for the editors seem to be placed under no restrictions as to the scale of their treatment. In the volume before us the works printed occupy hardly one-third; the remaining two-thirds are made up of introduction and notes. The short *Libellus de Imperatoria Potestate* was printed by Pertz in three pages of the folio *Monumenta Germaniæ*: in the new edition it extends to sixty-four pages. We do not, however, complain of the voluminous foot-notes, for it is of great interest to trace the sources accessible to writers of the tenth century and to examine the use they made of them. But it is a fault in method to load the introduction with excursus on points of detail, and it is tedious to have the various opinions of modern scholars as to authorship and date recounted with excessive elaboration. None the less are we grateful to possess what is in one sense the *editio princeps* of the chronicle of Benedict of Soracte; for though the book was published by Pertz in 1839, he omitted fully a quarter of it as containing mere excerpts or abridgements from known sources. These passages have a real interest on account of the little changes Benedict made in his quotations. We read him in his earlier parts not in order to learn the facts, but in order to know how the history was understood in an Italian monastery towards the end of the tenth century. It is not until we reach that century that Benedict's narrative acquires an independent value, and its local notices add not a little to our information about an obscure period.

Signor Zucchetti is probably right in excluding the *Liber Pontificalis* from the list of Benedict's authorities. All his earlier quotations from it are made through the channel of Bede's Chronicle. The *Liber Pontificalis* itself ends defectively with Stephen V (885-91). It was supplemented at a later time by a bare Catalogue, giving the origin and parentage of each pope and a statement of the duration of his pontificate. Monsignor Duchesne has made it clear that Benedict could not have been acquainted

with the part from 891 to 931.. We might therefore have supposed that this Catalogue had not been added to the *Liber Pontificalis* at the time when Benedict wrote, but for the fact that in dealing with the deposition and death of John XII (963-4) he expressly refers to the *Liber Episcopalis*, a term which is elsewhere known to be applied to the *Liber Pontificalis*. Now it is remarkable that whereas the Catalogue contains only four brief additions of a local or personal character before the appointment of John XII, from this time it assumes the form of an historical narrative, which is continued more or less down to John XV (985-96). Afterwards these historical additions are discontinued and not resumed until the middle of the eleventh century. It may therefore be inferred that the amplified Catalogue was compiled under John XV's successor, Gregory V (996-9). This suggestion is supported by a piece of external evidence; for the form of the Catalogue common to the Italian manuscripts and to the German redaction, as found in Herman of Reichenau, did not extend beyond John XV.<sup>1</sup> Signor Zucchetti, who has not observed these points, argues on other grounds that Benedict's chronicle, the end of which is now lost, originally ran as far as 998 and was completed about 1000. If our view is correct, it would appear that the amplified Catalogue was not in his hands when he wrote the earlier part of his work, but became known to him when in the last years of the century he composed his narrative from John XII onwards.

This result, if accepted, has a not unimportant bearing on the value of the best-known section in Benedict's chronicle, the account of this pope and of Otto the Great's dealings with him. Since Dr. von Otenthal published an elaborate analysis of the materials in 1893<sup>2</sup> it has been generally held that the narratives of these events given by Liudprand, the continuator of Regino, the amplifier of the papal Catalogue, and Benedict are all derived from an official statement issued, as is supposed, by the emperor's order. The first two of these writers are strictly contemporary; the two others, it would seem, are later by a full generation. There would be time therefore for the original account to undergo abridgement and alteration, and the details in which Benedict differs from the amplified Catalogue may be explained by his confused and inaccurate way of writing, though he supplies one or two new facts from personal knowledge.

Signor Zucchetti has added to his edition of Benedict a reprint of the little *Libellus de Imperatoria Potestate*, which Pertz, by an incredible lapse of judgement, believed to be by the same writer. The difference between the barbarity of Benedict's grammar and the relatively pure style of the *Libellus* ought to have saved him from this mistake. The work is known only from the edition published by Flacius Illyricus in 1556, and no manuscript of it has since come to light. The new editor therefore is dispensed from any preliminary problems; he has merely to reproduce the *editio princeps* and note occasional emendations suggested by Goldast and Pertz. As to the date of the treatise there has been a diversity of

<sup>1</sup> See Duchesne, introd. to *Lib. Pontif.* ii, p. xvi a.

<sup>2</sup> *Mittheilungen des Instituts für Oesterreichische Geschichtsforschung*, Ergänzungsband iv. 32-76.



opinion, but it is generally agreed that, as Goldast said in 1612, it was written before Otto the Great's invasion of Italy in 951. How much earlier, is still disputed. In 1895 Father Lapôte, a critic of rare gifts, advocated a date not long before the death of the Emperor Lambert in 898; and the hypothesis is in many ways attractive. Signor Zucchetti, however, thinks that the mistakes in matters of fact which disfigure the last part of the *Libellus* require us to postulate an interval of many years before it was written. He therefore reverts cautiously to the opinion of Goldast, which has been maintained by most German scholars. According to this, the treatise was written somewhere between 940 and 950. But there is still room for an intermediate hypothesis, which was suggested by M. J. Gasquet in 1888, that it belongs to some time in the first thirty years of the century. The new editor has not settled the question: for our part, we incline to the view of M. Gasquet.

Signor Zucchetti's edition is very carefully prepared, and his abundant notes show wide reading and discriminating judgement. They supply most valuable illustration of the materials available to the authors. Signor Zucchetti has collected in his preface a large number of specimens of Benedict's grammatical peculiarities; it may be regretted that he did not complete his excellent work by the addition of a glossary. We are also sorry that he has omitted the numeration of chapters given by Pertz, for these have been constantly referred to.

REGINALD L. POOLE.

*The Burford Records, a Study in Minor Town Government.* By R. H. GRETTON, M.A., M.B.E. (Oxford: Clarendon Press, 1920.)

THE community of Burford, apparently for the convenience of Robert Fitz-Hamon, its post-Domesday manorial lord, rather than from any aspiration towards enfranchisement on the part of its purely agricultural inhabitants, received before 1107 a charter granting it a gild-merchant and many of the liberties customary in the setting up of a borough. Lying as it does beside the Windrush, and connected by various ancient roads with Northleach, Stow, Cirencester, and Oxford, with their developing markets, it is probable that the non-resident magnate, lord of Cardiff and Tewkesbury, may have been led to imagine a profitable future for this remote little border possession of his, which, however, it was not destined to fulfil. Owing to this peculiar circumstance, apart from its many well-known attractions, the history of Burford distinctly called for such industrious enthusiasm as the author has here happily devoted to the task of clearing up its rather tangled problems. On the whole the story does come out feature by feature distinct; although we may be surprised at the outset (p. 6) by the statement that Fitz-Hamon 'incorporated Burford in the Honour of Gloucester—the most valuable part of his new possessions'. This honour came into being about 1121, having been constituted by King Henry for his son Robert, when he made him earl of Gloucester and had given him Mabel Fitz-Hamon to wife; or fourteen years after Fitz-Hamon's decease. It is likewise a misunderstanding to give (p. 6, n. 2) Gloucester Castle as a residence to Fitz-Hamon. The honour of Gloucester and the earldom by no means included that royal

castle ; besides which, the latter was only beginning to rise when the lord of Cardiff and Tewkesbury was buried.

Possessing the aforesaid grant, including the right to hold houses and lands at a money rent in lieu of customary service, with right to dispose of property by will without obligation to the lord, and the right to hold market and take toll, it is obvious that Burford became possessed of the usual machinery (though without asking for it), not only of a manorial borough, but of the means for attaining still greater and wider franchises, and perhaps a step towards future independence of manorial lords ; such as became enjoyed by Gloucester and Oxford, responsible, that is to say, to the Crown in chief, and paying a fee-farm rent thereto. Doubtless, had their grant resulted from serious aspirations and successful negotiations with their lord, things might have gone very much further with the good men of Burford. But, strange to say, in the history of this early, but limited, borough, at no period was there any conspiracy sworn together by the burgesses for the attainment of municipal independence. They probably very slowly realized the full value of what was given them, and they desired no more than the local defensive and administrative advantages which the several confirmations of the original grant of gild-merchant gave them. Burford experienced no friction with her overlords, such as did Cirencester ; withal she knew no sense of wrong done to her. Her citizens went quietly along their ways, exercising control of their markets and all other features of the given franchise, even developing in time a full corporation, with alderman, steward, and fourteen burgesses, acting as town authority, holding borough courts, and awarding punishments. They used a beautiful mid-thirteenth-century common seal, and acquired more and more with prosperous years (especially through the wool-trade) both wealth and the true sense of corporate authority. Yet, imperceptibly, all this time their sense of allegiance due to absentee manorial lords had been evaporating, and they were led into regarding themselves as a full-fledged corporate borough governing a completely enfranchised town. They even extended the privileges granted them by their Norman overlord. Yet some successor of his might (but they did not realize it) wake up at any moment, and give a cruel jerk at the manorial string, and might further address them, not as they liked other people to do, as 'Men of Burford Town', but as 'Men, on my manor of Burford'. The author has well shown also how this their state of unapprehensiveness became further emphasized owing to the manor, in the days of Henry VII, passing into the hands of the Crown. For, thereafter, finding their local officials actually being appointed or confirmed by the Crown, they easily regarded Burford's relationship to it as similar to that of the neighbouring ancient boroughs of Oxford and Gloucester. Into this, however, they made no inquiry ; and meanwhile they took upon themselves to administer fresh and grave responsibilities, such as trusts of land and of tenements, with all their pertaining conveyances, not only those belonging to their gild, but those given to the church. Hence, when with the dissolution of the chantries and hospitals under Edward VI the usual confiscations took place here as elsewhere, it was with sweeping and dismaying effect, and it left the worthy burgesses comparatively little to administer. For most

of the alienated lands now passed into the hands of private purchasers having no ties with Burford. Though the administration of their courts did not become impaired by this event, that duty in their eyes seems to have been of no whit more importance than the policy to which they now applied every effort, namely, that of recovering the lost charity lands. They continued throughout the sixteenth century to obtain fresh letters patent confirming their franchises, yet did not attempt to expand the rudimentary charters of Henry II, or in any way to give true validity to their corporate constitution. Not a suspicion crossed their minds, even in 1605, that in calling themselves 'the Prynce's chiefe officers' the burgesses (still misled by the Crown tenure of the manor) were supposing themselves to be 'as independent of any intermediate lordship as a fully-chartered borough held at fee-farm from the Crown'. For they had encroached more and more upon his manorial rights as they had identified themselves less and less with the invisible lord. In consequence, the profits and fines, the tolls, and other sources of burghal profit, had found their way freely into the 'common box'. They had completely forgotten their purely manorial status.

In 1617 the executors of Sir John Fortescue, the last absentee lord of the manor, sold both town and manor to Sir Lawrence Tanfield, chief baron of the exchequer. He had already long resided on the spot, and now became the first owner, probably, who had so resided there since Alberic, earl of Northumberland. With which party lay the early outbreak of differences is not recorded, but within two years of his purchase of the lordship of both town and manor they were at loggerheads. The attorney-general, Sir Henry Yelverton, lodged an information resulting in a writ of *Quo Warranto*, calling upon six of the burgesses of Burford to show by what right they had usurped certain liberties and privileges to which they were not entitled. It contained thirteen counts which discover the cause of quarrel to have been quite unavoidable. Curiously enough, the author, after going through them, and viewing all the privileges alienated by the Crown to the new lord, openly admits that Tanfield could not be blamed for bringing to question the burgesses' appropriations. 'Some of the impeached privileges were not defended at all by them.' Even the right to imprison for breaches of the by-laws was abandoned. The burgesses, of course, claimed that they had exercised their variously assumed rights time out of mind, but it at once became clear that they had had no charter from the Crown granting them the fee-farm of the town; and all that they could point to was merely what they had obtained as the men of the lord of the manor of Burford and not as his privileged substitutes paying for the same to the Crown. The borough had, in fact, never acquired independence of its owners.

The court of chancery of King James abolished everything but the corporation and the titles of alderman and burgesses. The fact that in the troubles of the previous Tudor period they had taken under their trust and authority certain of the charity lands now kept the corporation together; for they had likewise repurchased some of these lands from the former grantees of the Crown. The burgesses of Burford actually survived until 1861, when they were dissolved by act of parliament.

With respect to the origin of the name *Burford* the author is of course correct in not deriving the *Bureford* of Domesday from the *Beorforda* of the Anglo-Saxon Chronicle and *Beorgeforda* (Lat.). The name really affords another good example of the frequent contest for survival between *beorh* and *burh*. In this case *beorh* appears earliest; but, as Domesday discovers Earl Alberic resident at *Bureford* with a *mansio* rendering five shillings, and also two *mansiones* near the church, it is likely the former may have been fortified and thus have favoured this later form of the name, which recurs in two charters of Stephen signed at *Bureforde*. Mr. Gretton would assign these latter to 1147-50 (cf. p. 159), and he gives as his reason (pp. 159-60) that before Robert earl of Gloucester's decease (1147) it was 'not very likely that Stephen would have been staying on one of Robert's manors when there was the royal domain of Wychwood close at hand'. But 'the unlikely' is too often what historically happens. The charters in this case not merely assure us that this is so, but they show that the author might have dated the king's visit to Burford fully ten years earlier. For, first of all, they are witnessed by Roger le Poer the chancellor (who ceased to hold that office in 1139) and William Martel. Next, they are both addressed to Milo the Constable, as of Gloucester, not as earl of Hereford (25 July 1141), who abandoned Stephen in September 1139. The desired date may well be as early as 1136, in which year the king was twice at Oxford with all those officials.

The volume contains a thorough account of Burford Priory and of the local topography, and the Civil Warfare and the Levellers there, together with some beautiful illustrations of the great church and of certain famous men and houses.

ST. CLAIR BADDELEY.

*Documents illustrative of the Social and Economic History of the Danelaw.*

Edited by F. M. STENTON, M.A. (The British Academy. Records of the Social and Economic History of England and Wales, vol. v. London: Milford, 1920.)

A COLLECTION of over 550 accurate transcripts of twelfth-century charters, all of them originals save two which were needed to round off a series, would form a notable addition to the printed materials for the Anglo-Norman period, even if they came from a more thoroughly feudalized region than that of the five Danish boroughs, to which, for good reasons, Professor Stenton has limited himself. Owing chiefly to the greater number of its religious foundations in that age, Lincolnshire claims a large majority of these deeds, though the rich stores of the dean and chapter of its cathedral have not been drawn upon except for occasional illustration in the notes. Apart from half a dozen Bodleian charters, the originals are all in the British Museum or the Public Record Office, and for the former at all events the collection is apparently exhaustive within its limits, the Harleian Charters being the chief source. Nothing that has been printed elsewhere is included.

The editor has used the utmost care to give the most faithful reproduction of his texts that is consistent with the extension of their contractions. Students of the sealing of early documents will find his descriptions, brief

as they necessarily are, a valuable guide to twelfth-century practice. Except where a reference to the British Museum Catalogue of Seals is thought sufficient or no sufficient indications remain, we are always told whether the seal is (or was) pendent by a strip or by a tag. The strip seal occurs only in fifteen or sixteen cases, and only three of these are later than 1160, though one of the exceptions (no. 343) is definitely dated after May 1188. A superior and inferior limit of date are often not ascertainable, but no. 511, marked 'late twelfth century', is shown not to be earlier than 1184 by the attestation of Ralph Fitz Simon of Ormesby, and the same is perhaps the case with no. 288.

The direct light upon social and economic conditions derivable from charters is often disappointing in amount, nor are these above the average in that respect, but a practised eye will detect much that escapes ordinary attention, and Mr. Stenton's long and fruitful introduction is full of little additions to our knowledge of English society in the twelfth century in the eastern midlands. The cumulative result is to confirm generally the evidence of Domesday Book that the five counties in question preserved pre-Conquest conditions in a less modified form than either the northern or southern Danelaw. It is more than confirmed, indeed, for the almost complete absence of the word 'manor' from these charters in itself proves that the compilers of Domesday applied a terminology to this district which was to some extent artificial. The region of the Five Boroughs was not, it is true, quite uniform in this respect, for Leicestershire with its preservation of the English agrarian unit of the virgate alongside the Scandinavian bovate and its more developed manorial economy had apparently more in common with Northamptonshire than with its northern neighbours, especially Lincolnshire, which was the most unchanged of the five counties. Even in Lincolnshire the manor was present in fact, if not always in name, but the outstanding features are the village mainly inhabited by substantial free peasants under more than one lord and so possessing no common organization but that of the township, and the soke, large or small, which might in some cases be called honour or manor without being quite the same thing as those names connoted elsewhere, though in the smaller sokes the differences tended to be minimized as time went on. The hundreds of twelve carucates survived, though with diminished functions. It is noteworthy that at least ninety of these hundreds in Lincolnshire were coincident with villages (p. lxxvii).

In a district where freemen were still so numerous the cash nexus was much more prominent than in more thoroughly feudalized parts of England. There are some indications that week-work was not always required from the villeins in this quarter. A serf and his family could, indeed, be sold without his tenement, but the fact that serfs did homage to their lords is a warning not to attach too much weight to later legal definitions of unfreedom, and justifies the inference that in the twelfth century 'the original independence of the inferior party had not yet passed beyond the limit of memory'.

Mr. Stenton has some useful remarks on the charters which transfer the services of men who can be proved to have been freemen 'with formulae appropriate to the conveyance of serfs'. His instances could

be strengthened by a Cheshire case of a man who was granted with his land which is now the township of Abbots Cotton.

The free peasants of Lincolnshire in the twelfth century, who in some cases can be clearly affiliated to sokemen of 1086, held their land at a rent with, at most, some occasional labour services in summer. They were clearly responsible for the payment of their own taxes. There are cases on record, and, doubtless, others unrecorded, in which they joined in the endowment of a village church, and in this connexion it may be mentioned that the ordinary parish church, whether in town or country, could apparently be described as a minster. It is, however, as individual donors of land by charter to religious houses, and as witnesses to the grants of others, that this class becomes really clear to us. The editor's philological knowledge enables him to state that though names of Old English and of Scandinavian origin are about equal in number, the English terminology had passed into a sterile stage, while the Scandinavian still preserved its formative vigour. This and the use of late names like 'Magnus' are quite inconsistent with the old view, already hard to reconcile with the evidence of Domesday Book, that the Danes in this area were soon absorbed by the vanquished English. Their culture as well as their names was still strongly northern. In all this Mr. Stenton acknowledges his debt to the researches of Björkman, but his refutation of another current view which would restrict the Danish settlers in the district of the Five Boroughs to the limited number who occupied the towns is entirely his own. The ultimate extinction of the characteristic Scandinavian nomenclature by the adoption of Norman names from the military class is illustrated, we may point out, in a higher rank by the names of two Lincolnshire landholders of the time of Henry I who were brothers, Colsuen and Ivo. Had the editor been at liberty to deal with the evidence of his documents in questions of feudal genealogy, he might have had an interesting note on these two native magnates, who in all probability were brothers of the famous Countess Lucy. The fact that their nephew apparently had a son who was chamberlain of Pontefract (no. 510) raises the question whether the attestation of the Countess Lucy's charter to Spalding Abbey by a group of vassals of the honour of Pontefract was quite as much an accident as Dr. Farrer supposed.<sup>1</sup>

Another nail is driven into the coffin of Maitland's hasty generalization that the Domesday hide or carucate could only have had one equivalent in acres, and that 120, by the discovery that the Lincolnshire carucate averaged 160 acres. The rare Old English word so translated, 'plogsland' or 'ploxland', occurs once in these documents. Their evidence confirms Professor Gray's conclusion from later material that Lincolnshire, outside the fen district, was a county in which the two-field system of cultivation was general. A good deal of interesting information on the internal disposition of these fields emerges. There was a tendency for the demesne to form large blocks, reckoned in furlongs. Furlongs had names and one bovate at least, but never selions as in Cheshire.

The Newhouse charters printed here include the most explicit references to scutage that have yet occurred at a date so early as 1147-66, and

<sup>1</sup> *Early Yorkshire Charters*, iii. 184.

others carry back enfeoffments for a small fraction of a knight's service to the early years of Stephen's reign. Light is thrown upon the *donum*, here called the *commune geldum regis*, the *murdrum*, part of the burden of which, it appears, was the compulsory watch over the dead body, the meaning of the already archaic *ad utwaram et ad inwaram*, and the distinction of *servicia forinseca* into those 'que pertinent ad corpus militis' and those 'que currunt per carrucatas terre'.

Students of municipal history will note that in the twelfth century the earls of Leicester retained an interest in the revenue of the merchant gild there, of which Miss Bateson found no trace in the town archives (no. 347 and introduction, p. cxix).

The indexes, for which we have to thank Canon Foster and his secretary Miss Thurlby, extend to more than 150 pages, and are worthy of a flawless piece of editorial work.

JAMES TAIT.

*Kritische Studien zum Leben und zu den Schriften Alberts des Grossen.* By FRANZ PELSTER, S.J. (Freiburg im Breisgau : Herder, 1920.)

THE aim of this valuable study of Albert the Great is to determine questions of chronology, not of interpretation, except in so far as a more exact knowledge of dates may throw some light on the development of Albert's philosophy. The book falls into three parts, of which the first deals with biographies and legends, the second with the main events in Albert's career, the third with the order of his writings. Besides the early chroniclers, of whom Henry of Herford (c. 1355) was the first to attempt a serious biography, there grew up certain 'legends' of Albert suitable to his great reputation and preserved in the convents of the Dominican order at Cologne and elsewhere. By analysis of various writers, notably Peter of Prussia (1487), Father Pelster discovers evidence of a legend which, though it originated probably in Cologne, is not to be identified with the *legenda Coloniensis* of 1483. This earlier legend, he argues, was the foundation of Henry of Herford's biography, and may be said to carry us back to a time when much of Albert's life was still preserved in living memory. There is, in fact, nothing mythical about Albert; he was a solid historical figure, and after reading Father Pelster's account of the sources already named, as well as of William of Tocco, Louis of Valladolid, Jacob of Soest, and others, we are almost surprised to find how much uncertainty remains. The date of Albert's birth, for instance, has long been disputed and cannot absolutely be fixed. Some place it as early as 1193, others as late as 1207. In the latter case we might be forced to conclude that Albert entered the order at the age of sixteen, which, despite his reputed precocity in holiness and learning, is rather improbable. For various good reasons Father Pelster inclines towards the earlier date, and we may safely assume that Albert was well over eighty when he died (1280). If a Leipzig manuscript can be trusted, he entered the order at Padua in 1223; but again the evidence is conflicting, and it is quite possible that the event occurred at Cologne. Similar difficulties attend most of the stages in Albert's career as a teacher. At one point Father Pelster is driven into a dissertation upon the chronology of Thomas Aquinas, whose birth, we notice, he puts

as late as 1227, or the end of 1226. It is impossible here to go further into the details of Albert's remarkable life, and Father Pelster himself permits us to feel that the above two parts of his book are subservient to the third.

The periods of Albert's authorship can be broadly distinguished. In the first we have the *De Laudibus Beatæ Virginis* (written, apparently, before Albert was perfectly sound on the theory of the *intellectus agens*) and the more important *Summa de Creaturis*. Parts of this latter work have always been known, but quite recently Grabmann has had the good fortune to discover, at Venice and Vienna, three additional sections, treating respectively of morals, the sacraments, and eschatology. Composed, as it seems, within the first half of the thirteenth century, before the new translations of Aristotle from the Greek (used, e. g., by Aquinas in his *Summa*) were completed, this book has an important connexion with Vincent of Beauvais. The various parts of Vincent's work, it is true, are full of interpolations not easily dated, but Father Pelster produces good reasons for believing that Vincent himself was responsible for embodying in his *Speculum Naturale* large excerpts from the *Summa de Creaturis*. This *Summa*, or part of it, is also closely connected with Albert's commentary on the *Sentences*, a work which gives rise to further problems of chronology. Father Pelster concludes that all the parts of the *Summa* anciently known preceded the commentary on *Sent. II*, and were intimately allied with it. The fourth book of the commentary, he thinks, was definitely the latest, but the second book was written after the third, and probably at Paris. The hypothesis of a second version of the commentary, written after the full interpretation of Aristotle's writings, Father Pelster refuses to accept. From the *Sentences* we pass to the commentaries on the pseudo-Dionysius, and thence to Aristotle himself. The opinion, supported by Mandonnet, that the whole gigantic exposition of Aristotle was accomplished between 1248 (or even 1250) and 1257 seems to be quite untenable, especially as during three or four years of this period Albert was too occupied with administrative business to find much leisure for writing. Father Pelster shows that this view rests, in fact, on a misinterpretation of some words of Albert's relating to an instruction given him by Alexander IV at Anagni in 1256 to write a book against the Averroists. From a mass of evidence too detailed for repetition, Father Pelster infers that the Aristotelian commentaries must be spread over about twenty years, ending not earlier than 1270. Their order has to be determined partly by allusions to external events, but chiefly by references from one to another, and these are much complicated by dubious readings. Often the change of a single letter (e. g. *deklaravimus* for *deklarabimus* or *ostendimus* for *ostendemus*) is decisive. At every point Father Pelster reveals a first-hand knowledge of the evidence and persuades us to accept his judgements, even though we are aware that it is impossible adequately to criticize them without examining manuscripts scattered through the libraries of Europe. With regard to one curious passage, however, we must confess to scepticism. In the introduction to his *De Principiis Motus Progressivi* Albert remarks that he had already written on the subject, but that *postea in Campania iuxta Graeciam nobis*



*agentibus pervenit ad manus nostras libellus Aristotelis de motu animalium...*

What is the meaning of *iuxta Graeciam*? Geographically the words appear to be a strange description of Campania. Father Pelster (who dates this journey of Albert's in 1262) suggests, therefore, that Albert simply alludes to the fact that the translation of this Aristotelian work was made in Greece, i. e. by William of Moerbeke at the convent of Thebes. But surely this interpretation is more incredible than the geographical?

Even Aristotle did not exhaust Albert's astonishing energy. After 1270 he compiled a *Summa Theologiae*, and ended with one or two little works on the Mass. The *De adhaerendo Deo* can no longer be ascribed to him. Father Pelster finds it suggestive of Thomas à Kempis, and in a foot-note informs us that Grabmann has now traced the authorship to a Benedictine living at the end of the fourteenth, or the beginning of the fifteenth, century. Albert's relation to mysticism must therefore be sought chiefly in his study of 'the Areopagite'.

W. H. V. READE.

*Ireland under the Normans*, vols. iii, iv. 1216-1333. By GODDARD HENRY ORPEN. (Oxford: Clarendon Press, 1920.)

*Materials for the History of the Franciscan Province of Ireland, A.D. 1230-1450*. Collected and edited by the late Rev. Father E. B. FITZMAURICE, O.F.M., and A. G. LITTLE. British Society of Franciscan Studies, vol. ix. (Manchester: University Press, 1920.)

- THE earlier volumes of Mr. Orpen's *Ireland under the Normans* were published in 1911 and noticed in this Review in the following year.<sup>1</sup> The concluding volumes are marked by the qualities which distinguished the first part of the work, grasp of facts, intimate knowledge of feudal history and topography, a cool judgement, a lucid style. They are also subject to the same limitations. If we would do full justice to his book, we must remember that the author is mainly concerned with the history of the great feudal franchises. He is an enthusiastic as well as an expert topographer who is able to bring a wide and sane scholarship to bear upon the details of local and family history. He has no use for vague generalizations. Hence he has laid a solid foundation, hitherto entirely lacking, which will be invaluable to future scholars, whatever their particular interests may be. He has given us a map of Ireland in the thirteenth century with its baronial centres and has revealed to us all the fluctuations of local feuds. We cannot admire too much the industry and zest with which Mr. Orpen has searched Pipe Rolls and Justiciary Rolls, the various calendars of royal letters, and the very extensive proceedings of the Irish archaeological societies, in order to elucidate the annals. His own intimate knowledge of Ireland has frequently enabled him to identify a fort or explain a doubtful allusion. Yet he has never permitted the details to distract him from his main task, the compilation of a balanced survey of Ireland in the thirteenth century.

It is obvious that this is far from being a history of Ireland in the century of Frederick II and Saint Louis, of Alfonso the Wise and Edward I, of Bracton and St. Thomas Aquinas. The limitations of Mr. Orpen's method

<sup>1</sup> *Ante*, xxvii. 144-7.

are so glaring that it is only just to emphasize the value of his achievement. It would not be possible to write a history of Ireland in the later middle ages without such a survey as he has given us. His book is essential, a considerable historical work of which any scholar might well be proud. That it is not possible to leave comment at this point is due to Mr. Orpen himself. He appears to think that he has rounded off the history of Ireland in the period which, in his view, is closed by the murder of William de Burgh, earl of Ulster and lord of Connaught, in June 1333. He has described the downfall of the great house of the Marshals and with infinite patience traced the partition of their lands; he has worked out the history of the lordships of Munster, of the sub-infeudation of Connaught, and of the rise of the great earldom of Ulster; he has marked the ebb and flow of the Irish element and defined the islets of obstinate Irish in the districts of shires and franchises. Edward I and the de Burghs, he suggests, had nearly established peace and prosperity—total subjection was merely a matter of time—when Edward Bruce shook the whole structure and threw Ireland back into anarchy. But this is not a history of Ireland, even though the narrative is supplemented by a rather perfunctory description of Edward I's parliaments and legislation, and the interesting details collected in the last chapter on 'one hundred and sixty years of Norman rule'. Mr. Orpen is too much under the influence of his original conception, expressed in his title-page; he regards Irish history as a conflict between the fief and the sept, and in spite of evidence to the contrary which he provides himself, considers that the Ireland of the fourteenth and fifteenth centuries is only explicable as the result of a catastrophe. It is hard to believe that Ireland in the thirteenth century was so isolated as this view implies; that the legal, social, and intellectual movements of the time did not produce something more subtle and far-reaching. Ireland was a Plantagenet, not a Norman, state. The whole of the administrative machinery developed by Henry II and his successors was reproduced in Ireland, under the direction of trained lawyers and officials. Mr. Orpen's note-books must be full of information about its working.<sup>1</sup> In the reign of Edward II we find parliaments and a very interesting council (appointed indirectly by parliament) which was to co-operate with the king's council.<sup>2</sup> Mr. Orpen knows all about them, but he mentions them casually, as he might mention the mote at Ballyloughloe or the erection of a castle at Calanafersy. But in a history of Ireland we expect to hear whence these institutions came, how they compare with parliaments and councils elsewhere, wherein their significance lay, and in general what Mr. Orpen thinks of them. The records of Irish administration and legislation, if not very abundant for this period, are sufficiently extensive to form the basis of a study which could develop and deepen the work of Sir James Ware. Until the government of Ireland has been systematically described and considered as an organism, generalizations on the development of Irish history in the thirteenth and fourteenth centuries are premature.

A comparative study of the franchises is even more essential. Scattered

<sup>1</sup> Cf. Judge Johnston's paper on the 'First Adventure of the Common Law', in the *Law Quarterly Review*, January 1920, xxxvi. 9-30.

<sup>2</sup> Berry, *Early Statutes of Ireland*, p. 264.

about in Mr. Orpen's book there are numerous hints and references which show that he might easily have given us a picture of a great lordship far more convincing and detailed than, e.g., his useful sketch of the liberty of Carlow (iv. 264 ff.). One wants to know so much more about the changes which took place in these lordships during the thirteenth century, about their relations with the royal officials on the one hand and with the Irish on the other. Ireland was not the only country in which, under the shadow of a central authority, feudal institutions were gradually penetrated and altered by the influence of alien customs or ideas. Similar processes were at work in the east of Europe, very similar processes indeed in the highlands of Scotland. Mr. Orpen remarks on the probable influence of the Brehon law upon legislation. He is inclined to think that the Irish practices of fosterage, coign and livery, and the like had begun to influence the feudal household by the beginning of the fourteenth century. While rejecting the conclusion drawn by Sir John Davies from the Irish petition of 1328, that the Irish as a whole were eager to adopt English law, he is disposed, in a casual and half-hearted way, to approach the problems of Anglo-Irish development along the lines marked out by that great man in his *Discovery of the True Causes why Ireland was never entirely subdued* (1612). Unfortunately, he does not bring his observations together nor draw out their significance. He is committed to the catastrophic view. Now the only conclusion which an impartial reader can draw from Mr. Orpen's careful study of the invasion of Ireland by Edward Bruce is that Bruce caused far less disturbance of a permanent kind than has hitherto been supposed. The forces which were ultimately to separate the Anglo-Irish within from those without the Pale were doubtless strengthened by the events of 1315-18, but they had begun to work before. The parliament of 1310 had already legislated on the duties of the 'cheif de graunt lygnage'. The Norman baron had become the chieftain, the *capitaneus nationis*.<sup>1</sup> The causes and extent of the change must be sought in the thirteenth century. Mr. Orpen is convinced that the period of Irish history between the invasion of Strongbow and the invasion of Edward Bruce is a complete dramatic episode; we venture to think that his narrative breaks off in the middle of the third act.

General criticism of this kind is of course debatable. It is concerned with the form and objects rather than the substance of these volumes. Experts will perhaps differ from Mr. Orpen here and there on points of detail, but we fancy that their criticism of the substance of the book will be slight. In one important respect the third and fourth volumes are less open to criticism than the first and second; the defects in scholarship are few. The eldest son of King Philip Augustus of France should not be styled 'dauphin' (iii. 15). The Cistercians should not be grouped with Benedictines and friars as builders of churches for congregational worship (iv. 293). The meaning of the statute of 1321 on the use in Ireland of English law of life and limb does not seem to be clearly grasped (iv. 26). In an excellent passage on the importance of the barony as a means of

<sup>1</sup> For the French phrase cf. Berry, *Early Statutes*, pp. 266, 378. The Latin equivalent appears in charters, e.g. that of Lord William de Burgh, 1430, in *Materials for the History of the Franciscan Province of Ireland*, p. 185.

government (iii. 75-6) Mr. Orpen fails to appreciate the fact that in feudal law the maintenance of the unity of the barony had been deliberately achieved: the division among coheireses was an equitable necessity in a society which regarded primogeniture as a novelty, but that the barony should normally be undivided was regarded as essential.<sup>1</sup> It is not easy to see why, in the face of the evidence, Mr. Orpen insists that Edward Bruce's retirement to the border of Inishowen in 1316 was a strategic retreat (iv. 168). Even Barbour admits that Bruce was in a very tight place—

In gret distress thair war thai stad,  
For gret defalt of mete thai had ;  
For thai betuix thair riveris tway  
War set.<sup>2</sup>

Mr. Orpen's description of the invasion of Edward Bruce is very full and careful, but he unaccountably omits any discussion of the contemporary correspondence of Edward II and the Irish leaders. The petition of the Irish to Pope John XXII, printed by Hearne in his edition of Fordun, and the letter of Edward II, dated 20 August 1316, printed by Rymer, urging the election of Geoffrey of Aylsham as archbishop of Cashel, throw light on the relations between Irish and English and the support given by the former to the Scots. These documents are reprinted, in whole or in part, by Mr. Little in the *Materials for the History of the Franciscan Province of Ireland*.<sup>3</sup>

This collection of materials edited by Mr. Little mainly from the papers of the late Father Fitzmaurice brings us into quite a different atmosphere. We desert the tradition of Ware and Davies and enter into the tradition of Mooney and Wadding. The history of the Franciscans in Ireland was of course seriously affected by racial antipathies. Before and after the statute of 1310 which forbade the reception of Irishmen by religious houses in English territory, many attempts, more or less successful, were made to isolate the two peoples. At one time the general chapter appears to have adopted the policy of separation as a means to the preservation of peace. In 1325 'it would appear that the intention was to concentrate the Irish friars in the custody of Nenagh' (p. xxv). But on the whole feelings of unity seem to have prevailed. Irish and English friars had to combine against the opposition of secular clergy; Irish friars shared with their English brethren a moral outlook which differed from that of Irish bards or castle officials. The many-sided activities of the Franciscans, recorded in this delightful book, suffered no very violent shocks between 1230 and 1450. The history is continuous, showing a gradual settlement of the centre of gravity in the west. There is no evidence to justify any marked

<sup>1</sup> See *ante*, xxxv. 39 ff., 168.

<sup>2</sup> *The Bruce*, xiv. 367-70. These lines clearly must be read together, even though the Odymsay episode, which they connect with the story of the passage of the Bann, is told by Barbour out of its true place.

<sup>3</sup> pp. 95-8. The date 1315-16 ascribed to the Irish petition should be corrected: Jacques Duèse did not become Pope John XXII until 7 August 1316. Mr. Little, moreover, does not seem to be aware that the *iniquum statutum* of 1310, referred to by the petitioners, is to be found in the Red Book of the Irish exchequer (Berry, *Early Statutes*, p. 272).

discrimination on the ground of learning or ability or munificence between English and Irish. A few more compilations of this kind, if they were edited with as much skill and patience as Mr. Little has devoted to Father Fitzmaurice's work, would provide a firm foundation for the history of Irish society, and of the religious and literary life of Ireland during the later middle ages. Above all, work of this kind, by revealing the variety of the materials for Irish history and showing how English and Irish scholars can co-operate, helps to restore the sense of continuity to Irish studies, and to bring Irish scholarship again into line with European learning.

F. M. POWICKE.

*The Puritans in Ireland, 1647-1661.* By the REV. ST. JOHN D. SEYMOUR, B.D. (Oxford: Clarendon Press, 1921.)

It is a genuine pleasure to read the informing account Mr. Seymour has written of the religious aspect of the rule of the puritans in Ireland. Many partisan pamphlets on Irish history have been lately written. In them scraps of evidence have been chewed and re-chewed by writer after writer, and have long ago ceased to be nutritious. The materials for the exploration of the past are abundant, if a competent scholar takes the slightest trouble to find them. Such a scholar is Mr. Seymour. He has been the first to publish the results of his researches among the fifty-six volumes of the Commonwealth Books preserved in the Public Record Office, Dublin. Of course he has covered the other materials bearing on the critical period he has selected for his learned investigation. The outcome is a book which constitutes a real addition to the sum of our historical knowledge.

The author has little to say about the background of his work. He assumes that his readers are, like himself, conversant with the dominant tone of the church of Ireland which enabled her to fit in so easily with the régime which began in 1647. For the sake of the readers who do not know, it is worth while pointing out that the Elizabethan foundation, the university of Dublin, at once wore an Evangelical aspect. Its early provosts were either Evangelicals or in sympathy with that school. The second provost, Travers, was the notorious opponent of Hooker. Puritans in the church of England in general and in Cambridge in particular sought and found an asylum within the walls of Trinity College, Dublin. In this way the ground was prepared for the sway of the puritans for the brief period of fourteen years. The way was also prepared in another fashion. During the rebellion of 1641 not far short of ten thousand protestants had perished. As the clergy fled before Tyrconnel, so they fled before the threats and the executions of the rebels of 1641. The inevitable result was that few of the episcopal clergy and of their congregations were left, so that the new ministers had for their congregations the Cromwellian soldiery. These are considerations which the author thrusts to one side, and we are sorry that he does so. He knows them so well himself that he believes his readers are equally well informed. On the other hand, the author probably felt that it was more valuable to print his considerable amount of new information, and perhaps he was right. The intelligent student can dot the i's and cross the t's of the facts Mr. Seymour sets before us.

The author has much to tell us about the financial status of the puritan ministers. He puts his facts both concisely and ably. Not only does he do this, but the personalities of the men themselves emerge, even though we meet some of them only for a moment. Usually there is a brief characterization of each of them which makes them stand out vividly. He is quite successful in clearing their character of the charges usually preferred against them. It has been said that some were unlettered mechanics, some were fifth-monarchy men, some objected to the singing of the psalms in public, and some were Baptists. The author proves that these charges were unfounded. He has met in the ranks of the ministers only one unlettered mechanic, Wyke, only one fifth-monarchy man, Rogers, and only one objector to psalm-singing in public, Blackwood. He does not swing to the other extreme, and maintain that all the ministers were saints. Still, men like Adair and Mather, Winter and Worth, would have done honour to any body to which they belonged. Mr. Seymour brings out admirably the large amount of practical toleration which was exercised. Short as the term of puritan government was, it is quite clear that much friendliness existed between the ministers of the different bodies. In spite of official disapproval, the Liturgy was openly used in the services of Trinity College, Dublin. Jeremy Taylor, in spite of the noble teaching contained in his *Liberty of Prophesying*, was tolerant when out of power and intolerant when in power. Samuel Mather, on the other hand, was tolerant when out of power and when in power.

For indeed I have always thought [held Samuel Mather] that it is an irksome work to punish or trouble any man, so it is an evil and sinful work, to punish or trouble any good man with temporal corrections, for such errors in religion as are consistent with the foundation of faith and holiness. It is no good spirit in any form to fight with carnal weapons; I mean, by external violence, to impose and propagate itself, and seek by such means, the suppressing of contrary ways, which by argument it is not able to subdue.

The mention of Mather's name suggests another matter, and that is the close connexion between the university of Dublin and the attempts to found a theocracy in the New World. Increase and Samuel Mather were both graduates of this university, and there were curious cross-currents connecting thought in New England with thought in old Ireland. It is a point we have never seen worked out in any of our colonial histories. We entertain no doubt that some important discoveries in the filiation of thought can be worked out in some of the instances suggested by Mr. Seymour's stimulating volume.

ROBERT H. MURRAY.

*Manuscripts of the Earl of Egmont. Diary of Viscount Percival, First Earl of Egmont.* Vol. i, 1730-3. (Historical Manuscripts Commission. London: Stationery Office, 1920.)

THIS diary of a private member of Parliament fills a gap common to Lord Hervey's Memoirs and Coxe's *Life of Walpole*, neither of which makes more than the most cursory reference to domestic politics between the resignation of Townshend and the introduction of the Excise Bill. Its most interesting feature is the glimpse which it gives of the régime of 'old Brazen Face', as Sir Robert Walpole appears to have been called

by the opposition, depending partly on the two hundred odd placemen and pensioners who formed the solid nucleus of his majority and partly on the parliamentary skill and assiduity which led his enemies to declare that he dressed himself every morning for the debates of the house of commons with the care of a man about to visit his mistress. Lord Egmont himself used to say that Sir Robert Walpole did everything and could do everything. If he desired to further the foundation of a new colony or the election of a mayor, to remove a commercial restriction on Irish trade or an obnoxious post office official, it was to Walpole or Walpole's brother that he had ultimately and generally immediately to apply, and the measure of his estimation of the political effectiveness of the rest of the cabinet may be fairly gauged from his comment on the duke of Devonshire, the spectacle of whom kissing hands for the privy seal put him in mind of Caligula's making his horse consul.

The development of the obsession by Walpole which affected so many politicians of his generation can be clearly traced in Lord Egmont. Though he hastens to explain that his entry into parliament was due solely to loyalty to his sovereign and to no 'motive of interest, place or pension', the recorded activities of his brief political career seem to have been very largely concerned with obtaining an Irish earldom for himself and a pension for his niece, applying for a place for his brother and a seat for his son, and pressing the claims of his brother-in-law to some addition to the office of commissioner of the wine licence until Providence, as he observed on the epitaph which he himself composed, removed his relation from 'the Land of the Living and undoubtedly preferred him to a Higher Place'. But these considerations did not affect Lord Egmont's independence or even prevent him, when conscience dictated, from voting against his party. He regarded them as a suitable testimony to the value of his services as a member of parliament and accepted the favours of the government without recognizing their implications.

This view was unlikely to appeal to Sir Robert Walpole, the most business-like of men, and far from disposed to exhaust the resources of government for the sake of Lord Egmont's *beaux yeux*. It is consequently not surprising to find the diarist, in an eloquent passage, deploring the sordid tendency of the prime minister to make himself 'like the altars of refuge of old time, the refuge of little unworthy wretches', 'tools', 'scrubs', 'pickthanks', and 'dunghill worms' in preference to 'men of birth, honour and property'. The occasion of this criticism was an election petition at which Walpole had displayed even less than the usual modicum of regard for the outward decencies of public life, but its peculiar bitterness cannot altogether be disassociated from the pangs of a digestive system permanently impaired, according to Lord Egmont, owing to his 'monstrous usage' by the government, whose failure to declare immediately in his favour at the last general election had compelled him to remain two months in his constituency 'drinking and eating', he complained, 'in a manner not natural to me, which ended in a sickness I have never yet wore off'.

It was indeed over his constituency that he finally broke with Sir Robert Walpole. The entire economic dependence of the population of

Harwich on the government packet-boats which put into their port, and the fact that 50 per cent. of its corporation were either post-office or customs officials, had made it time out of mind, as Horace Walpole frequently but fruitlessly explained to him, a government borough. This, however, did not deter Lord Egmont from attempting to convert it into a family appendage nor from applying to the prime minister to assist him in this design until Walpole, after enduring solicitations which fill a considerable portion of this volume, 'curst Harwich, and said it gave him more trouble than any other town in England. And here', adds Lord Egmont, 'Sir Robert Walpole gave me up', and another Whig family was added to the ranks of the opposition. R. R. SEDGWICK.

*England in Transition (1789-1832), a Study of Movements.* By WILLIAM LAW MATHIESON, LL.D. (London: Longmans, 1920.)

THE changes effected in English political and social life between the outbreak of the French Revolution and the parliamentary reform of 1832 derive a peculiar interest from their bearing on our own time, for much that is familiar to us in thought, feeling, and existing conditions either had its origin in those years or was in its earliest stages of development. These changes are related and discussed by Dr. Mathieson, and his treatment of them, though not presenting us with any newly discovered facts, nor perhaps containing any new theory, is thoughtful as well as readable, and deserves especial commendation for its invariably temperate tone. It is to be regretted that, with the exception of a notice of the anti-revolutionary tendency of romanticism, no attempt is made to exhibit the various relations between the movements it describes and contemporary poetry, but that is a subject which can scarcely be treated at once adequately and concisely, and Dr. Mathieson was doubtless anxious that his volume should not exceed its present moderate size. He arranges his matter on a chronological basis, dividing his period into successive sections, each with a character of its own, and treating separately the progress made during each of them. As with most essays on a period of history, the dates chosen as the limits of his work are open to criticism, for as he is chiefly concerned with changes affecting the mass of the people it may be objected that 1832 did not close a period in their history, and recognizing that he could not expound satisfactorily how England 'emerged from a survival of medieval conditions into the latest phase of modern life' if he began at 1789, he exhibits in an introductory chapter, along with the causes of this transition, the extent to which it had advanced at the date of his allotted starting-point. After a summary of the principles underlying the demand for parliamentary reform in the first half of the reign of George III, he notes the various philanthropic efforts made by private persons from the beginning of the century to educate the children of the poor, and later to reform the prisons and put an end to the slave-trade. These efforts he attributes mainly to religious influence, High Church, Methodist, and Evangelical. So far he is doubtless right, but he should have said something about other influences, such as the high place assigned by public opinion to benevolence apart from any religious motive,



and in a lesser degree the humanitarian sentiments fashionable in France. Some account, too, of the origin and early stages of the industrial revolution is given in this introductory chapter. Having thus put before his readers an outline of the political and social position in 1789, he proceeds to trace the changes it passed through after that date.

His first chapter deals with the check to progress during the war with revolutionary France and the repressive policy of the government. Previously constitutional in character, the movement in favour of parliamentary reform became revolutionary in spirit. Fear of that spirit caused the education of the poor to be considered dangerous, and even Sunday schools were suspected of being nurseries of Jacobinism, combinations of workmen were made illegal, and though the victory of the anti-slave-trade agitation was assured in 1792 its accomplishment was delayed. The delay, we are told, was merely due to the democratic methods of the agitation. Several weighty reasons, as Lecky has shown,<sup>1</sup> deterred Pitt from pressing for the extinction of the trade. The first Factory Act, however, small though its benefits seem to us, proves that where fear of Jacobinism did not influence the governing class it was still open to humane feeling. The different spirit that prevailed during the war with Napoleon is well brought out, and is illustrated by the relief granted to dissenters by the 'new Toleration Act', ecclesiastical reforms, and, though its results were meagre, Romilly's attack on the severity of the penal code. But it was, as Dr. Mathieson says, a time of promise rather than of actual growth. A distinct though by no means great advance towards the social condition of the present day was made during the generally troublous five years that followed the peace. These years are reviewed here in a separate chapter, in which we have a concise history of the poor-laws down to the timid attempt made in 1818 to introduce improvements in the system of relief. Some extraordinary instances are also given of the abuse of charitable endowments for education, the exposure of which was due to Brougham's persistent endeavours. The economic and political troubles of these years are carefully treated. Acute distress set in with the prospect of a bad harvest in 1816, coming as it did on the derangement of industry consequent on the conclusion of peace. Riots and a belief in the existence of widespread disaffection provoked a return to a policy of repression far more generally detested than in Pitt's day, for being adopted in time of peace it was regarded simply as a means of restricting freedom. Other causes contributed to the crisis of 1819, which was followed by the first serious attempt of the working class to obtain political power. The government measures known as the Six Acts had one unlooked-for result. Bitter feelings had long existed between the whigs and the radicals, each party being set on a reform of parliament after its own heart. Now the zeal with which the whigs condemned these acts pleased the working men and combined with the growing consciousness of the radicals that they were powerless while acting alone, and the popularity the whigs gained by upholding the cause of the queen made it certain that they, and not the radicals, would control the movement for reform. How they brought it to a victorious end is told briefly,

<sup>1</sup> *History of England in the Eighteenth Century* (8vo edition), p. 65-7.

Dr. Mathieson referring his readers for details to recent works on the subject. Meanwhile from 1820 social progress was rapid. Efforts, more or less successful, to protect the weak from wrong and better the position of the mass of the people, the repeal of the combination laws, the triumph of religious toleration, the extension of popular education, the abolition of the punishment of death for nearly a hundred offences, and other changes narrated here, are evidence that by 1832, though much remained to be achieved, the nation had in the space of less than fifty years made a wonderful advance as regards both actually accomplished reforms and the spirit in which the wealthier classes regarded the needs and claims of their less fortunate fellow countrymen.

WILLIAM HUNT.

*Select British Documents of the Canadian War of 1812*, vol. i. Edited by WILLIAM WOOD. (Toronto: The Champlain Society, 1920.)

THIS is the first of three volumes to illustrate the purely Canadian side of the war. Mr. Wood's introduction covers the whole of the three years, but the documents deal only with 'Preparation, General, Naval, and Military', and 'Brock', i. e. the events of 1812, in which Brock was the outstanding figure, Michillimackinac, Detroit, Queenston, and minor operations after his death. Well arranged in chronological sequence, they give a wealth of details illustrating the connected history of the introduction and of Sir Charles Lucas's well-known work. They include both old material and new finds; perhaps it is a pity that the editor has not differentiated these, or marked by notes in square brackets where the old may be found in print (e.g. in the works of the Lundy's Lane Historical Society to which Sir Charles often refers), thus calling our attention at once to what is new. We are promised for the third volume a real 'find', a confidential letter of Wellington to Bathurst dated November 1814: 'I believe I shall not be able to go to Quebec till April. . . . It will be for you to consider whether I can be most useful to you there, here, or elsewhere.'

The documents are mostly those of the Canadian archives and are official. One comes from the appendix to Mrs. Curzon's *Laura Secord*, an interesting letter with personal details from Colonel Evans, Brock's brigade-major, of his experiences before and at the battle at Queenston (pp. 617 f.). There is also, taken from the archives, a personal letter from Gray to Baynes (pp. 672 f.) explaining 'difficulties which I have not stated there', i. e. in his official report, of a small action on the Montreal front; the said difficulty was caused by militiamen, zealous but not accustomed to discipline, volunteering their advice to the commander of the expedition. Hull's proclamation is printed, also an amusing contemporary skit from New York on 'The War of the Gulls', a specimen of American humour contrasting Hull the general with Hull the sailor. The diary of Lieutenant-Colonel William McCay, belonging to the 24th Canadian Militia and printed by permission (p. 546), gives the personal experiences of the commander of a company of volunteers in Brock's expedition against Detroit. A 'Prize Pay List' (p. 474), from the original in Chelsea Hospital, gives the exact figures of the units of this force:

30 artillery and 302 infantry regulars, 483 Essex militia from the immediate neighbourhood, 63 from the adjoining county of Kent—but none from Suffolk, and only one officer from Middlesex, the next adjoining—13 from Oxford, but 68 from Norfolk half-way down Lake Erie, and 176 whom Brock brought with him from York and Lincoln. All this gives a pretty good idea of the loyalty or backwardness of different districts.

This question of the Canadian militia, their efficiency and readiness or the opposite, is abundantly illustrated in the documents, so that we have the exact instances which bear out the general statements. The United Empire Loyalists were still loyal; some veterans of the American war came to volunteer their services, and were retained at Fort George for 'stationary' duty to encourage the younger generation (p. 650); the Glengarry Highlanders were more than keen and wanted Gray to take their advice, though they saw afterwards that he was right (p. 673); the specially recruited flank companies of each militia battalion, young men who had no ties to keep them at home, were fairly satisfactory, as is shown by the figures of Brock's force. But it is well known that many American settlers were in Upper Canada who openly welcomed Hull, and many Canadians were lukewarm or afraid for their crops; Colonel Talbot collected 60 Oxford men when Hull invaded the Thames valley, but could by no means get the Norfolk men to march (p. 383), though some of them afterwards joined Brock. The latter was in despair and on the verge of pessimism: 'The population is essentially bad. A full belief possesses them all that this Province must inevitably succumb. Legislators, Magistrates, Militia Officers, all, have imbibed the idea, and are so sluggish and indifferent' (p. 396). Such language is the measure of Brock's genius in afterwards capturing Detroit.

The Indian problem is also illustrated. Brock's general order of 16 August shows his satisfaction that no blood was shed by Indians at Detroit, but immediately afterwards several junior officers report on excesses that they were powerless to stop. Chiefs such as Tecumseh were rare. Other interesting points appear: a company of Canadian militia were riflemen (p. 534), and the Americans at Detroit had 500 rifles to 2,500 muskets (p. 496); in the attack on Michillimackinac traders co-operated well with the captain in command, providing him with ammunition and manning his boats, but after the surrender 'private views and individual jealousies have overcome every other sentiment' (p. 446) and the men 'are worn down by unconquerable drunkenness' (p. 440). It goes without saying that the importance of controlling the lakes, the value of the British regulars, and Brock's ability in contrast to Hull's and Smyth's alternate slackness and boastfulness, stand out clear. J. E. MORRIS.

*Histoire de l'Internationalisme*, vol. i. By CHRISTIAN C. LANGE. (Publications of the Norwegian Nobel Institute, vol. iv. Christiania, 1919.)

OUR delay in noticing this important work has in so far not been unfortunate, that we may now look forward to its speedy completion, and have it before us as a whole. Many-sided as is the learning, and singularly well-balanced the judgement, of its author, he has in his present

volume dealt with only part of his theme, though this part is by no means introductory only. With the history of internationalism as a constructive and organic movement—under which aspect we have been so much occupied with it of late, while watching the progress of a new stage in its course—it is necessarily for the most part concerned chiefly by way of anticipation, or, as in the case of the Peace of Westphalia itself, by referring to merely tentative suggestions. On the other hand, it deals in full with the development of that reasoned tendency for peace among the nations—the pacifist tendency, in a word—which, in the wider and therefore nobler sense of the term, lies at the root of international law and of international life. No commentary on the origin and growth of the conception of an organized movement on behalf of the peace of the world by international agreement can afford to pass by the theories by which from the beginnings of western civilization to the present day pacifist theories have combated the militarist conceptions which regard war as of its nature inevitable, illimitable, or even desirable. Thus, the earlier part of M. Lange's work, carried out under the auspices of a great and beneficent institution, interests us very specially as presenting a long chain of ideas reaching from antiquity (to which a hatred of war and a conviction of its essential injustice were far from strange, and which was even acquainted with parts of what may be called the machinery of internationalism) to our own times, when the subjection of war to international control has become an acknowledged task of civilization. But the links in this chain differ greatly in form as well as in substance, and it is precisely where, for one reason or another, they have been largely overlooked that the continuity of treatment aimed at in this work is of particular value.

From this point of view, many of its readers will pass on with special interest from two excellent chapters on Christianity and its relations to the problem of the lawfulness of war—a problem which actually came to present itself to most orthodox minds as that of the heresy of anti-militarism—and on the empire and the papacy, to the account which follows of the precursors of modern internationalism. The empire and the papacy had in turn witnessed the collapse of their pretensions to the sovereignty of the world, and, therefore, to the arbitership of peace and war, and the peace of God, after dwindling into the truce of God, had sunk into impotence. In the fourteenth and fifteenth centuries, the foundations of medieval society were to a great extent giving way before the gradual consolidation of the system of states; and these general changes were accompanied by the isolated advocacy of ideas concerning unity and peace which were in advance of those of the age which was passing, or had passed away. But these precursors cannot all be called pioneers. While Dante and Marsilius of Padua were still honoured as leaders of political thought, there is no reason for supposing that the speculations of Pierre Dubois (Petrus de Bosco) received a widespread attention in his lifetime or a high reputation—such as, thanks to both French and English historical scholarship, they have now come to enjoy—in the period after his death. Yet his most important treatise exhibits a most remarkable advance towards the combined ideals of a federation of Christian princes and the restriction of war; while he has no regard for the emperor as an international

authority, and politically allots to the pope little more than the presidency of his proposed princely arbitration commission. At the other end of this period or interval, towards the middle of the fifteenth century, we find similar ideas of a European federation, from which, however, the pope is, with the emperor, altogether excluded, in the project of a European federation, characteristically suggested by a countryman of Dubois, macaronically known as Antonius Marini, to George Podiebrad (the heretical king of Bohemia). Meanwhile, humanism was extending its pacifist influence among peoples as well as princes, while it passed out of its purely Italian phase, and entered into intimate relations with the Reformation. Neither in the Roman church, however, nor in those of which Calvin and Luther were the founders, was there (though we must not forget certain passages of Luther's writings which remind us that Erasmus and he were not always strangers) any harbour for pacific tendencies. The cherishing of such was left, as it had been left in the days of Waldenses and Lollards, to the sects whose beliefs were permeated by them, from the *Doopsgezinden* (Mennonites) to the Friends, whom we still have among us. It is hardly too much to say that the resumption of a vital connexion between pacifist and internationalist ideas is largely due to the effects of the religious wars of the sixteenth, and more especially of the great war of the seventeenth, century. In Hugo Grotius, by whom his predecessor Alberico Gentili's fame was eclipsed and the science of international law actually founded, theological and religious, humanist and historical influences converged and combined, so as to enable him and his great work to begin the new era in the development of the ideas in question.

All these groups of thought and feeling—with others, to which we would gladly have at least alluded, of more specially literary *provenance*—are surveyed in the present instalment of M. Lange's work. Exceptional attention is justly given to the relations between the ideas of Emeric Crucé, the author of the *Nouveau Cynée* (1623), a projector less elaborate than Sully, and in spirit akin to Comenius. There is no evidence of any personal or literary contact between Crucé and Grotius; but the former, too, has his place on the luminous threshold reached by this deeply interesting volume, before the curtain drops across the portal, recalling the last struggle against the advent of the new order. A. W. WARD.

*Collectanea Hispanica.* Par CHARLES UPSON CLARK, Ancien Directeur de l'École des Études Classiques de l'Académie Américaine de Rome. (Transactions of the Connecticut Academy of Arts and Sciences, vol. xxiv. 1920.)

THE present work is a welcome addition to palaeographical literature. It is an important essay in regional palaeography, and fills a lack that has been felt for years. It is almost forty years ago that Ewald and Loewe published their collection of specimens of Visigothic handwriting.<sup>1</sup> This constituted at once and has been ever since the most important aid for dating Visigothic manuscripts; for none of the older works on Spanish palaeography were sufficiently accurate or representative in their repro-

<sup>1</sup> *Exempla Scripturae Visigoticae*, Heidelberg, 1883.

ductions to satisfy the needs of modern research. Nor has it been superseded by any modern work. To be sure, a number of excellent facsimiles of Visigothic manuscripts have in recent years appeared in different publications, yet up to the present time the student who wished to get his bearings in the field of Visigothic palaeography had only one resource, and that was the collection of Ewald and Loewe. This work, however, did not aim at presenting a treatise on Visigothic writing—its palaeographic judgements, in fact, are not infrequently at fault—and the student was still left in the dark on such important matters as the history of the script, its abbreviations, its method of punctuation, and so on. This lack has been largely supplied by the work of Professor Clark. A friend of Ludwig Traube, and familiar with his methods of research, the author was well fitted to do the work as it should be done. That he has not given us the exhaustive treatise he was capable of must be ascribed to the circumstances under which his task had to be performed. Although he very modestly expresses the wish that others more conversant with these researches may do what he left undone, it is to be hoped that he himself may in due season treat those phases of the subject which are not discussed in the present work, such as the origin of Visigothic writing, the struggle between Visigothic and ordinary minuscule in Spain, the use of Visigothic in France and Italy, the type of uncial and half-uncial that preceded the Visigothic, and the promised chapter on the history of Spanish punctuation.

Dr. Clark's book opens with an historical sketch of the literature relating to Spanish palaeography. It is interesting to note that the first facsimile of a manuscript in Visigothic writing appeared in a work published in Rome in 1606,<sup>1</sup> and that Mabillon, the father of palaeography, gave no facsimile of the script in his *De Re Diplomatica*, published in 1681. The foundations of Visigothic palaeography were laid by P. Merino in his work, *Escuela Paleographica*, which appeared in Madrid in 1780. It is astonishing, adds Dr. Clark, how little advance has been made in the subject in the subsequent one hundred and twenty-five years. It is not till the last quarter of the nineteenth century that works appear that mark a distinct step forward. Delisle's *Mélange de Paléographie et de Bibliographie* appeared in 1880. The next year was published the only manual on the subject in the Spanish language.<sup>2</sup> At the same time, foreign scholars began to investigate the literary treasures of Spain. The gigantic work of fifty-one volumes, *España Sagrada*, begun by Florez (1747-72) and continued after him, was to be sure a perfect mine of information for the past history of Spain. But the scholarship of the nineteenth century was characterized by a passion for sources. A series of 'Voyages littéraires' was undertaken. The first work by a foreigner to appear after Villanueva's *Viaje Literario* (1803-52) is Valentinielli's *Delle Biblioteche della Spagna*.<sup>3</sup> This is followed by Ewald's 'Reise nach Spanien im Winter 1878 auf 1879'.<sup>4</sup> What Reifferscheid did for Italian libraries Loewe and Hartel

<sup>1</sup> B. Aldrete, *Del Origen y Principio de la Lengua Castellana*.

<sup>2</sup> Muñoz y Rivero, *Paleografía Visigoda*, Madrid, 1881.

<sup>3</sup> Published in 1860 by the Vienna Academy.

<sup>4</sup> In *Neues Archiv für ältere deutsche Geschichtskunde*, vi. (1881), 217-398.

did for Spanish; and in 1885-6 appeared the *Bibliotheca Patrum Latinorum Hispaniensis*. The next important work was R. Beer's *Handschriften-schätze Spaniens*, which appeared in 1894. In 1909 the Madrid manuscript (15. 8) of Isidore's *Etymologies* was published in the De Vries series of *Codices Graeci et Latini Photographice Depicti*, vol. xiii. Thus a complete Visigothic manuscript of three hundred and twenty-six folios was made accessible to the great libraries of Europe and America. The preface was by R. Beer. In 1910 appeared *Studia Palaeographica*,<sup>1</sup> by E. A. Loew, which, besides giving a useful though incomplete list of Visigothic manuscripts, attempted to establish a criterion for dating them. Lastly, in 1912 Professor Burnham published the first part of his *Palaeographia Iberica*,<sup>2</sup> a work distinguished for the excellence of its plates, and because its material is drawn from Portuguese as well as Spanish libraries. These works of his predecessors Dr. Clark has used with industry and judgement. In the matter of acknowledging his indebtedness he is scrupulous almost to a fault.

The two chapters that follow are the most important in the book. Chapter ii gives us a list of the two hundred and thirteen Visigothic manuscripts which have come to Dr. Clark's knowledge. Though the list makes no pretension to completeness it is doubtful if subsequent researches will add materially to it. The Visigothic manuscripts enumerated are scattered over Europe,<sup>3</sup> in twoscore odd libraries situated in thirty-four different cities. The countries are unevenly represented. The great bulk, one hundred and forty, are preserved in Spain and Portugal. Germany and Switzerland have but one manuscript apiece, Holland two, Italy twelve, England eighteen, France thirty-nine. To Dr. Clark's list should be added Paris Lat. 10233, Oribasius. The manuscript itself is in uncial writing, but half of folio 273 is in Visigothic, as are also the marginal notes to books i and ii. The marginalia of Autun 107 are in Visigothic, as I learn from Dom Wilmart, who also calls attention to the Visigothic character of the Toulouse leaves of Ecclesiasticus, one of which was published by Monsignor Douais in 1895.<sup>4</sup> Since uncial manuscripts are included in Dr. Clark's list, mention should perhaps be made of Paris Nouv. Acq. Lat. 641 (Gregory's *Moralia*), saec. viii, which has *n̄sr̄*, *n̄s̄a*, *n̄s̄is* for *noster*, *nostra*, *nostris*, and *d̄ctr̄* for *dicitur*, *ap̄st̄li* for *apostoli*, *t̄stm̄n̄i* for *testament* and *l̄s̄* for *bus*, all formed in the unmistakable Spanish style: also the uncial fragments of Jerome's comment on Matthew, from Worcester, which show a number of Spanish symptoms.<sup>5</sup> The manuscripts grouped under Silos in Dr. Clark's list will need revising as soon as the present owners of some of them are identified.<sup>6</sup>

<sup>1</sup> In *Sitzungsberichte* of the Munich Academy.

<sup>2</sup> See *ante*, xxix. 121 *seqq.*

<sup>3</sup> One must now add America, for the famous Beatus MS. (Clark's no. 570) was recently sold by Mr. H. Y. Thompson to Mr. J. P. Morgan.

<sup>4</sup> Cf. A. Wilmart, 'Nouveaux Feuilletts Toulousains de l'Ecclesiastique' in *Revue Bénédictine* (1921).

<sup>5</sup> Cf. C. H. Turner, *Early Worcester Manuscripts*, pp. x *seqq.* (Oxford, 1916)

<sup>6</sup> Z. G. Villada's work on Leon manuscripts, *Catálogo de los Códices y Documentos de la Catedral de León* (Madrid, 1919), should be added to Dr. Clark's list on p. 27. On p. 57 no. 681 is wrongly described. Vatic. Regin. 267 contains Fulgentius. In consulting Traube's list Dr. Clark's eye ran down from no. 289 to no. 290, which is the Gelasian Sacramentary. The manuscript of Fulgentius came from Fleury originally, and later (after the tenth century) belonged to Limoges.

The chapter on the characteristics of the script is good, but too short, and too much occupied with citations from other authors. The chapter which contains the most original contribution to the subject is that on the abbreviations. This excellent chapter is followed by shorter ones on orthography, word-division, punctuation, diacritical signs, and the development of Visigothic writing, all treated rather summarily. It was evidently not the author's intention to treat exhaustively the various problems that would naturally be discussed under these heads. The descriptions of the plates are brief and informing, the transcriptions are not without occasional errors. On p. 113 the omission signs are not transcribed, nor the word *supra*, which follows the insertion in the lower margin. I cannot follow Dr. Clark's judgement in the dates assigned to some of his manuscripts. To me plate 37 seems to be of the ninth rather than the tenth century; the same is true of plate 49; plate 64 (Terence) I should date in the tenth rather than the eleventh.

The work concludes with seventy plates, giving specimens taken from forty-five different manuscripts. Of these, nineteen come from Madrid libraries, nine from the Escorial, seven from Leon. Burgos furnishes three, Barcelona two, Cordova one. The only foreign country put under contribution is Italy: Verona, Monte Cassino, La Cava, and the Vatican furnishing one manuscript each. Most of the manuscripts reproduced contain, as was to be expected, works of the Fathers: Isidore, Gregory, Jerome, Augustine, Chrysostom, Beatus. Biblical and liturgical manuscripts come next in point of numbers. Two manuscripts deal with secular law, one with ecclesiastical; one reproduces a classical author, Terence. For historians the most interesting plate is the facsimile (no. 59) of the marriage contract between the Cid and Ximena, dated 1074. The facsimiles are unfortunately so much reduced in size that their use tries the eyes. Moreover, such facsimiles give a very erroneous impression. The best of reproductions fail to give all that the eye can see in the original, but a reduced facsimile is from the point of view of scientific palaeography totally inadequate. For all this the work is of first importance to palaeography, and is indispensable to all future investigators of Spanish manuscripts.

E. A. LOWE.



## *Short Notices*

The pages of our present number bear witness to the fact that Sir Adolphus Ward's pen is still unwearied, and we are glad to think that, in accepting an invitation to edit the more important of his contributions to periodicals, he does not collect a completed series. The entire set will cover many other subjects, literary and general, but we have now before us the first two handsome volumes of the *Collected Papers of Sir A. W. Ward* (Cambridge: University Press, 1921) which contain the historical essays. Written at intervals over a period of nearly sixty years, they have a wide range, from Friedländer's work on manners under the Roman Empire to the Hohenlohe *Memoirs* of our own time, though naturally the greatest space is devoted to the centuries which Sir Adolphus has most particularly studied, the seventeenth and eighteenth. The papers are reprinted practically as they were originally written, and, though once or twice he notices later events in a brief postscript, the author has avoided the temptation of bringing them 'up to date'. Some of them appeared in earlier volumes of this Review, others in other periodicals, while the well-known essays on 'The Peace of Europe' and 'Elizabeth, Princess Palatine' are reprinted from the volumes of Manchester essays, and that on the 'Political Aims of the Nineteenth Century' from the lectures given at the Cambridge Extension Meeting twenty years ago. Three lectures of 1891 on the decline of Prussia under Frederick William III, and one of 1912 on the effects of the Thirty Years' War, seem to be printed for the first time. The collection as a whole gives an impressive *conspectus* of long and eminent services to historical science. V.

A good example of the dissertations submitted by students of American universities for the degree of Ph.D. is Dr. Lucile Craven's *Antony's Oriental Policy until the Defeat of the Parthian Expedition* (University of Missouri, 1920), which discusses in great detail and with almost pedantic reference to authorities the doings of Antony in the East during the years 42-36 B.C. While not attempting to whitewash the character of Antony, Dr. Craven shows that ancient historians tend to misrepresent his motives, and has no difficulty in establishing that much of his work was done in a competent way, and that, for instance, there is no need to attribute to bribery his support of the pro-Roman Herod. Again, we agree with Dr. Craven that it was only after his failure against Parthia and his break with Octavian that Antony formed the idea of setting up a rival kingdom in the East, a view which is perhaps not altogether novel. But there are two points on which the opinions here advanced are more questionable. An attack is made on what is admitted to be the unanimous view of

modern historians, that the expedition of 36 B. C. aimed at a complete overthrow of the forces of Parthia, and the theory is propounded that it was a mere *razzia* into Parthian territory. But the enormous size of the force employed is difficult to reconcile with this interpretation, and the fact that the expedition was postponed from year to year supports rather than, as Dr. Craven thinks, discredits the view that Antony's aim was an ambitious one. Even if he had not yet formed the idea of setting up a separate kingdom in the East, surely the complete overthrow of Parthia would have given him more prestige in Italy than any raid, however successful. Again, a raid would almost certainly have been directed at some more vulnerable point than an outlying district like Media Atropotane. Antony's route can only be made intelligible if the operations of 36 B. C. were intended to form the prelude to a great invasion of Mesopotamia. The other point occurs on p. 55, where Dr. Craven accepts without discussion the statement of Appian that Antony imposed tribute on the client kings recognized by him. Now, it is practically certain that Judaea paid no tribute to Rome during the reign of Herod, and Tacitus definitely notes that the incorporation of Cappadocia in the Roman Empire by Tiberius meant an increase of revenue (*Annals* ii. 42). At this date, as we know from the inscription of Aphrodisias (Dittenberger Or. 455), *libertas* involved *immunitas*, and it seems improbable that the position of a client state was less favourable than that of a *libera civitas* within a province. Appian's source may very well have referred to compulsory gifts of money rather than to formal tribute. But even Mommsen is unsatisfactory on this point, and Dr. Craven may well claim to have followed the best authorities.

G. H. S.

Dr. Arthur Stein, whose essay on the Roman administration of Egypt is well known, has collected the evidence from epigraphic and literary sources relating to the imperial officials employed in Thrace in his *Römische Reichsbeamten der Provinz Thracia* (Sarajevo: Zemaljska Štamparija 1921), and has made good use of his material. He makes it clear that the province was governed by procurators until the reign of Trajan, who appointed the famous juriconsult Juventius Celsus as its first praetorian *legatus* between A. D. 107 and 117. The theory that for military purposes the *legatus* of Moesia had up till this time exercised authority in Thrace is rightly rejected; Avidius Quietus, who acted as *deductor* in establishing veterans of the Eighth Legion at Deultum, and is described as *legatus Augusti*, had doubtless been in command of the legion in question. Dr. Stein examines the evidence for the formation of the *provinciae* of the Hellespont and Chersonese, and seems to be right in attributing the former measure to Domitian and the latter to Hadrian. He shows that the towns of chief importance were Philippopolis, as the seat of the *Kοινὸν τῶν Ἑλλήνων*, and Perinthus, as the residence of the governor, and has some interesting remarks on the spread of Greek speech and custom in Thrace. W.

M. Augustin Fliche has followed up his work on the Pregregorians, which appeared in 1916, with a volume on *Saint Grégoire VII* (Paris: Lecoffre, 1920). Written for a popular series ('Les Saints') it does not

profess to be a critical study. But a short and up-to-date biography of Hildebrand was much needed, and this need M. Fliche has supplied. It is well and clearly written, and it embodies the results of recent research on the subject. Though the purpose of the book is to show Gregory's title to rank among the saints, its author displays a praiseworthy impartiality in his judgements. It is to be regretted that he has confined himself to giving references only to the Register—a limitation no doubt imposed by the editor of the series; the insertion of references to the narrative sources and to recent authorities, and the inclusion of an index, would have added greatly to the usefulness of the work.

A. L. P.

*The Stonor Letters and Papers, 1290-1483*, which Mr. C. L. Kingsford has edited with meticulous care for the Royal Historical Society (Camden Third Series, vols. xxix-xxx, 1919), is a somewhat disappointing collection. There is only one document before 1325, and that is an ordinary grant of half a virgate of land by Richard de Stonor the first to Richard de Stonor the second, and it is given simply because it is the oldest document in the Stonor papers and because the younger Richard was father of Sir John de Stonor (*d.* 1354), chief justice of common pleas. There are only three documents belonging to Sir John's time, and no other member of the family 'had a public career of any importance' (p. xxxviii). Edmund de Stonor was sheriff of Berkshire and Oxfordshire in 1377-8, and his papers afford some illustrations of a sheriff's work. He and subsequent Stonors occasionally sat in parliament, but they avoided distinction in politics as successfully as they did in the French wars and the Wars of the Roses, in which, indeed, no Stonor seems to have fought until 1483, when Sir William enlisted under Buckingham's ill-starred banner and was attainted by Richard III. He escaped, however, and returning with or after Henry VII, regained his estates and was in 1492 appointed steward of the university of Oxford, though 'his local importance was hardly sufficient to have secured him the post if he had not possessed an additional recommendation as a favoured courtier' (p. xxxv). His success seems to have consisted mainly in his marriage successively to two wealthy widows and a daughter of John Neville, marquis of Montagu, and his lineage won social and other distinction through the marriage of his granddaughter to Thomas, first Baron Wentworth of Nettlestead. Mr. Kingsford is not interested in that lady's remarkable progeny.<sup>1</sup> Apart from some star chamber proceedings subsequently discovered and printed in this Review,<sup>2</sup> his Stonor papers end in 1483, when they were doubtless seized in consequence of Sir William's rebellion. They 'are next to the Paston Letters by far the most considerable collection of private correspondence of the fifteenth century which has yet come to light' (p. xxxviii). They do not, however, compare in interest or importance with the Plumpton Correspondence, more than half of which dates from the fifteenth century. There are only three letters which touch upon other than local affairs: one of them—a narrative of the first battle of St. Albans—has, says Mr. Kingsford, 'unwarrantably' found its way into the Paston Letters, and the other two have been

<sup>1</sup> See *Dict. Nat. Biogr.* lx. 265.

<sup>2</sup> *Ante*, xxxv. 321-32.

printed in Bentley's *Excerpta Historica*. They deal with the events of June 1483, and Mr. Kingsford's note on the date of Hastings's summary execution would be conclusive but for the curious fact that the still unpublished 'Great Chronicle' of London gives the alternative chronology which commended itself to Sir Clements Markham.<sup>1</sup> The rest of the Stonor letters and papers are material for what is called social history.

A. F. P.

Mr. H. C. Luke, commissioner of Famagusta, has written a volume on *Cyprus under the Turks, 1571-1878* (Oxford: University Press, 1921). It is much to be regretted that the late C. D. Cobham never completed the history of Cyprus under the Lusignan dynasty and the Venetians, begun so admirably by Count L. de Mas Latrie, and for which he had himself collected such abundant materials, combined with great local knowledge. But while Mas Latrie's history of the Frankish period remains a magnificent torso—for his narrative went only to the fall of Acre—that of the much duller and more provincial period of Turkish rule has hitherto found practically only one chronicler, the archimandrite Kyprianos. Mr. Luke has now written a very interesting sketch of this latter subject, largely based for the later period upon the British consular archives. The author of *The Fringe of the East* and joint editor of *The Handbook of Cyprus* knows the island and its history well, and writes fairly and without bias of the two races inhabiting Cyprus. The Turks at the outset, as he points out—and the same phenomenon meets us in the Latin duchy of the Archipelago—were welcomed as a relief from the Latins; they abolished serfdom and restored the Orthodox archbishopric (whose history has been written by Mr. Hackett), but failed, as everywhere, to administer well. Their government of Cyprus was constantly changing: at first under a resident pasha, then under the admiral of the fleet, then a personal fief of the grand vizier, sometimes under a qaimaqam, at other periods a dependency of Rhodes or the Dardanelles. But, amidst these changes, the archbishop's power steadily grew, till about 1804 it became supreme, only to end suddenly, as supreme power always ends in the Near East, in 1821, with the murder of the then archbishop and his three suffragans. Meanwhile, the Turkish peasant had been equally oppressed with the Christian, whose position before the law was intolerable, and Cyprus, once so prosperous, had been reduced by Turkish rule to a like condition with those once famous names Durazzo, Valona, and many another flourishing medieval place. Of this decay Vice-Consul Sandwith's report of 1867 gives a graphic picture. Although an English consul is mentioned in 1626, the archives do not begin till 1710. Many interesting figures flit across their pages: Sir Sidney Smith, the defender of Acre; Leake, 'the model traveller'; Lady Hester Stanhope, Kinglake's 'Queen of the Desert'; Kiamil Pasha; and Colonel Rose. They mention also the curious Cypriote practice of using the flag of Jerusalem, a medieval survival, and that of acquiring Hellenic citizenship after the recognition of the Greek kingdom. The book, in which we have noticed only one misprint—'Xanthiotes' for 'Zantiotes' (p. 8)—contains a bibliography, a list of British consular officers, and

<sup>1</sup> Thornley, *England under the Yorkists*, pp. 116-17.

a map of the Turkish political divisions of the island. It is dedicated to Mr. Pirie-Gordon, whose heraldic and topographical knowledge would fit him to complete the history of Cyprus under the Lusignans. W. M.

The need of a complete edition of the news-letters of John Chamberlain has long been felt. The letters written during Elizabeth's reign were edited by Sarah Williams for the Camden Society in 1861: the later letters have to be sought for in various works, as Nichols's *Progresses of James I, The Court and Times of James I, The Court and Times of Charles I*, or in the abstracts given in the *Calendars of State Papers, Domestic*. Unfortunately, the latest volume on Chamberlain, *A Jacobean Letter-Writer* (London: Kegan Paul, 1920), contributes little which is fresh or valuable. The editor, Commander E. P. Statham, has been content to print a series of extracts, and to use them as opportunities for the introduction of short witticisms or rambling notes on the events or persons mentioned in the text. Thus the statement that James I had amused himself by catching larks brings forth the comment: 'Truly a royal sport! Did his Majesty have a courtier in attendance to sprinkle salt on their tails?' The remark that the organs played their loudest is followed by: 'Who was the organist? He would scarcely feel flattered', and by a wholly irrelevant anecdote about another organist 'a great many years later'. The more serious annotations contain a fair number of errors, of which only a few can be here noticed. The infamous countess of Essex was not three years older, but a year younger, than her first husband. The Thomas Wentworth who spoke boldly against impositions in parliament in 1614 was the member for the city of Oxford, and not Sir Thomas Wentworth, afterwards earl of Strafford. There is no evidence to support the suggestion and no inherent probability that 'one mistress Clare' may have been a mistress of James I. Ostend was not a cautionary town in 1616. Sir Giles Mompesson was not captured after his flight in 1621. The long stadtholdership of Maurice of Nassau is inadequately and incorrectly summed up by the note that he 'reigned from 1618 to 1625'. It is curious that Commander Statham should imagine that *The Court and Times of James I*, which appeared in 1848, was printed by Thomas Birch, the date of whose death is correctly given as 1766. Also a critic who says that Birch was by no means a careful or accurate transcriber should not expose himself to a similar charge. Slips such as 'Instauratis Magna' and 'parturiunt moutes' are unworthy of so severe a judge. Finally, it may be added that there is little in this work to diminish regret that the edition of Chamberlain designed by Dr. Paul Reyher, author of *Les Masques Anglais*, 1909, has never appeared.

G. D.

Continuing his work of amplifying and preparing for publication Robert Fruin's unfinished edition of the correspondence, Dr. Japikse has edited the first volume of the *Brieven aan Johan de Witt* (Amsterdam: Müller, 1919). Like the letters written by John de Witt, to which they form the complement, they are included in the series of the *Historisch Genootschap* of Utrecht. Although the years 1648-60, which are covered by this instalment, are full of interest, it was scarcely to be expected that

this collection would equal its predecessor in value for general history : what it does, for the most part, is to supply links that were wanting to the continuity of the correspondence and additional details in the history of well-known persons and events. The letters are written by a great variety of people. Besides the pensioner's own relations and political friends, there are independent political correspondents like Justus de Huybert of Zierikzee, whose letters do not outlast the provincial disagreements of 1654, spies of different kinds (pp. 70, 120, &c.), academic dignitaries who write about the fortunes of Cartesianism (pp. 192 ff., 315 ff.), and, of course, many applicants for offices for themselves or their friends. The most important body of letters comes from Koenraad van Beuningen on his mission to Denmark in 1656-8, and this forms a separate section of more than a hundred pages. A few new letters are added to the correspondence of other diplomatists, and the remainder of the volume, although mainly, is by no means wholly of purely Dutch interest. The editing reaches the high standard of which Dr. Japikse's name is a guarantee. Two careful tables of the letters are given, one in chronological order and the other under the names of the writers. G. N. C.

American historians, having to a great extent made good the ground of their own colonial history, are more and more entering the preserves of the English West Indies. The more satisfactory it is to note an English work, *The Development of the Leeward Islands under the Restoration, 1660-88* (Cambridge: University Press, 1921), which reaches the level of the most painstaking American investigators. Mr. C. S. S. Higham's studies were interrupted by the war, which perhaps accounts for a slight want of cohesion noticeable sometimes in the different parts. The strongest feature of the book is the use made of the papers of Thomas Povey in the British Museum, and of the Stapleton and Jeaffreson MSS. Mr. Higham may have been well advised in not confining his efforts to dealing with the life and governorship of Sir W. Stapleton; but with his command of the necessary material he might have dealt a little more fully with the career of one of our most distinguished forgotten worthies; and while he shows praiseworthy diligence in going to the fountain-head of the Jeaffreson MSS. instead of being content with the letters reprinted in *A Young Squire of the Seventeenth Century*, he might have produced, even from the latter, a more living picture of the everyday life of the times than he has attempted. The treatment of the subject of the Laws of Trade seems hardly up to the level of the rest of the volume. Still, with some limitations, the book is an extremely sound and satisfactory piece of work, and those interested in the subject of colonial history will look forward with pleasure to future studies from Mr. Higham in this field. H. E. E.

Mr. Geoffrey Callender has edited in two volumes *The Life of Sir John Leake*, by Stephen Martin-Leake (Navy Records Society, 1920). The admiral who twice relieved the hard-pressed British garrison of Gibraltar in 1704 and 1705, who took a leading part in the capture of Barcelona and thereafter relieved it (when retaken and strongly held by the French and their partisans), and crowned his career by the capture of Sardinia and

Minorca, ought not to be a shadowy figure in our naval annals. Yet that is the fate which has long obscured the fame of Rear-Admiral Sir John Leake. The reasons for the comparative oblivion which has been his lot are set forth by Mr. Callender in a long introduction to these two volumes of the rare and little-known work of Stephen Martin-Leake, F.R.S., F.S.A., Garter King of Arms, which describes the exploits of the admiral. Undoubtedly, they have been slurred over by Stanhope and other writers, whose attention has been concentrated on Peterborough. A perusal of these volumes will not enhance the reputation of that brilliant but eccentric leader, whose vanity and egotism they bring into strong relief. Mr. Callender, in his lively and rather flamboyant introduction (in which the parable of the nurse and the baby on p. cxxv affords a singular interlude), vigorously takes up the cudgels for Leake and against Peterborough; but it is impossible here to enter into the complicated controversies which fill Colonel Parnell's *War of the Succession in Spain* and the works of Colonel Russell and Mr. Stebbing. The present volumes show that the credit of relieving Barcelona certainly belongs to Leake, though Peterborough, who had forbidden Leake to proceed thither, finally reaped the sole honour of that important exploit. Mr. Callender comments crisply on the need of a good naval base in the Mediterranean, and the importance of Leake's capture of Minorca in 1708. The fifth Earl Stanhope in his account of the war ignores Leake and minimizes the influence of sea power; yet in few struggles was its effect more important; and Leake, as we now see, was not merely a good fighter (witness his handling of H.M.S. *Eagle* in closing the gap ahead of Russell's flagship at Barfleur), but also possessed the gift of foresight as to the importance of good naval bases. It is unfortunate that Martin-Leake gives so short an account (ii. 165) of Marlborough's 'good design against Toulon' in 1706-7. A note was needed here to call attention to one of the best designs of that or any age for joint operations of navy and army against a fortress. It failed only owing to the lack of adequate and timely support from the duke of Savoy. On the other hand, Mr. Callender supplies good notes on the battle of Barfleur, and also (ii. 399) corrects Burchett's very incorrect estimates of British and French losses in warships in 1702-13.

J. H. RE.

A number of studies on various aspects of the French Revolution by the late M. Augustin Cochin, who was killed during the recent war, have been collected and published as *Les Sociétés de Pensée et la Démocratie* (Paris: Plon, 1921). One of these essays, which had, we believe, already appeared in print, is avowedly a defence of Taine as an historian, but even had 'La Crise de l'Histoire Révolutionnaire' been omitted by M. Cochin's literary executors, it would have been obvious to every reader of the book that the author was a disciple of Taine. He does not, it is true, emphasize the dark side of the Revolution so much as its weak side: he does not harrow us with tales of atrocities, such as made Scherer christen *Les Origines de la France Contemporaine* 'a chamber of horrors'. But he lays much stress on the unpractical political creeds held by many of the inspirers of the French Revolution, on the curious mysticism which deified the 'God-people'; and on such practical defects as the working



of the electoral machinery in 1789. One of the most interesting papers in the volume is that entitled 'La Campagne Électorale de 1789 en Bourgogne', which relates how a comparatively small group of men at Dijon successfully pulled the strings in order to obtain ascendancy in their province for their political views during the six months preceding the meeting of the states-general. Certainly these Burgundian lawyers and doctors had nothing to learn in the art of political wire-pulling, nor can it be said that they showed any lack of practical ability. Their machinations were, in M. Cochin's eyes, only too successful. The essay, to which students of the French Revolution will turn with most interest, is, however, that already referred to, 'La Crise de l'Histoire Révolutionnaire'. In this paper M. Cochin makes a gallant attempt to vindicate Taine's reputation as an historian from the charges brought against it by M. Aulard. That the attempt is not entirely successful is hardly to the discredit of M. Cochin's skill as an advocate. Few Frenchmen can write of the Revolution with complete impartiality, and it is true that M. Aulard is himself more or less a partisan, but the gloom of Taine's picture is too unrelieved to carry conviction. The Revolution was to him a bad dream, and, as in a dream, events appeared to him out of their true proportions. Against the charges brought against Taine of inaccuracy and of lack of judgement in the choice of his authorities, M. Cochin makes an ingenious defence, but in regard to this accusation of unconscious distortion and exaggeration he fails to convince us. X.

Robert Owen's name and just fame grow with the years. He has had many biographers from the crude and hostile narrative of W. L. Sargent (1860) to the brilliant and yet scrupulously accurate two-volume study by Frank Podmore. Unfortunately, the latter is out of print, and therefore the student cannot do better than use the very good account in the *Dictionary of Political Economy* for his landmarks, and fill in the picture with Owen's autobiography which is now placed before us at a commendably moderate price, with an introduction by Mr. Max Beer, *The Life of Robert Owen by Himself* (London: Bell, 1920). Mr. Beer's introduction is adequate, and he contrives to say much in very little space. He is, perhaps, overkind to Owen when he says of his community experiments in America that their failure was 'due to the incompleteness of his theory of character formation'. However complete his theory had been, these communities must have failed unless his disciples had combined a sustained idealism with some serious knowledge of the processes of agriculture. C. R. F.

In a volume entitled *Le Transfert de Chambéry à Fribourg de l'Évêché de Genève: 1815-19* (Recueil de Documents tirés des Archives Suisses. Geneva: Eggemann, 1920) M. Otto Karmin has put together from the Swiss Archives all the correspondence from the side of Geneva in the affair of the transfer of the bishopric of Geneva from Savoy to Switzerland. Behind this apparently small readjustment of ecclesiastical machinery lay a great number of varied interests. When the Congress of Vienna increased the territory of the restored republic and new canton of Geneva,



by adding to it twenty-two communes previously under Savoy or France, it left open the question whether the inhabitants of these communes (mainly Catholic) were to remain under the jurisdiction of the archbishop of Chambéry. The government of Geneva naturally wished to put its new Savoyard subjects out of reach of interference from Turin; the government of Turin naturally wished to retain a useful power of interference in districts which it had been reluctant to lose. The court of Turin was at this time in the odour of sanctity with the papacy; the small republic of Geneva found natural allies in Prussia and Austria, and friends in Russia and, for a time, Great Britain. Hence there resulted a four-years' controversy into which were drawn, directly, Niebuhr and Consalvi, and, indirectly, Talleyrand, Metternich, Capo d'Istria, and Stratford Canning. In the correspondence, therefore, it is possible to see the diplomatic methods of several European courts, and the difficulties of a papal secretary of state, *surchargé de besogne*, and to realize the complexity of the affairs of small nations; while the clever fencing in French, German, Italian, and Latin, the interest of the widening dispute, and the happy ending (the last *pièce* is the bill sent in for the writing, copying, and sending of the papal brief *Inter Multiplices*), give the book a pleasing spice. M. Karmin's annotation and arrangement of the documents are beyond praise; he has given an admirable little summary of the causes and course of the affair, and a list of secondary authorities. Perhaps one might add, for readers unacquainted with the details of Swiss history, E. Pictet, *C. Pictet de Rochemont* (Geneva, 1892). It is to be hoped that M. Karmin will publish the results of further researches of this kind.

E. L. W.

In Part II of his *Historical Geography of India* (Clarendon Press: 1920) Mr. P. E. Roberts has set himself the hard task of summarizing in two hundred pages the crowded history of the sixty years which have elapsed since the Crown undertook the direct administration of that country. Beginning with the appointment of Lord Canning to be the first viceroy, the author has carefully traced the course of events down to October 1919, ending with the Montagu-Chelmsford Report and the presentation to parliament of a new Government of India Bill. Mr. Roberts has handled his materials skilfully, and though he has had perforce to deal with many highly controversial questions, his temperate judgements will commend themselves to most readers. We may pay to the volume what is really a high compliment in saying that this second instalment is equal in merit to the first.

W. F.

General Mangin has written a succinct account of the war on the western front in *Comment finit la Guerre* (Paris: Plon-Nourrit, 1920). It is well to read so distinguished an authority's just appreciations of unity of command, supremacy at sea, the danger of civilian meddling with staff-work, the vital necessity of preserving good feeling among the allies. The really distinctive note, however, of his book is far more controversial.

G. B. H.

Professor Michel Hruchevsky has been professor of the history of the Ukraine for the last twenty years at the university of Lemberg, and is

the author of the *History of the Ukraine (Istoriya Ukrayini)*, of which he had by 1914 written eight volumes, bringing the work down to the year 1650. Of this monumental history abridged and illustrated editions have also been produced both in Russian and in 'Ukrainian' (or Little Russian) and have had large sales. The same author's *Abrégé de l'Histoire de l'Ukraine* (Prague: Librairie Ouvrière, 1920) is a concise history of 240 pages written especially to prove the case for the complete political independence of the Ukraine. The name was given first in the fifteenth century by the Poles to the region between the lower Dnieper and the Dniester which formed the borderland between Poland, Muscovy, and Turkey. *Ukraina* in Polish means 'march' from *Kraj*, *Kraina*, 'country', 'land', as in *Krain* or *Carinthia*, and numerous parts of Croatia and Serbia called *Krajina*. The book is produced by the *Institut Sociologique Ukrainien*, whose home seems to be at Kiev, and whose branch office for foreign countries is at Prague. N. F.

In *The Local Government of Peterborough*, part i, section i (Peterborough: Caster and Jelley, 1919) Mr. W. T. Mellows, LL.B., gives from printed and unprinted sources a much-needed and upon the whole excellent account of the feudal administration of the great estates of the abbey down to the dissolution of the monasteries. The soke, honour, liberty, and vill (divided into inner vill or town and the manors of Boroughbury, Eyebury, &c.) are carefully discriminated. Attention is drawn to the fact that the court of the honour was held not at Peterborough but at Castor, but Mr. Mellows wisely abstains from fully committing himself to an explanation which would trace this to the surviving influence of the Roman *Durobrivae*. He quotes from Maitland the existence of a parallel court of the abbot of Ramsey at Broughton without noticing that this too was not held at the abbey itself. The abbey documents are most full on the agricultural economy of the manor of Boroughbury, the suffix in whose name is very doubtfully explained, after White Kennet, as meaning 'open plain', but (like Eyebury) seems better referred to the comparatively late use of the word in the sense of house or hall which has been noted, for instance, in such London place-names as Bucklersbury. The monasteries are usually supposed to have been very conservative in their rural economy, and it is therefore interesting to find commutation of labour services well advanced at Peterborough by 1334. Mr. Mellows seems to accept Thorold Rogers's view that one of the causes of the Peasants' Revolt of 1381 was an attempt of the lords of manors to enforce again the personal services of their villeins, though it has been strongly questioned by Ashley and Petit-Dutaillis. There does not appear to be any evidence that such an attempt was made at Peterborough. For the inner vill or town there is unfortunately no such satisfactory material as the Boroughbury *compoti* afford for the rural organization. All that we know practically is that it had a market and a portmanmoot by 1322. The suggestion that the latter was 'a form of market court or court of pie powder' (p. 34) is made on insufficient grounds and unlikely in itself. Nor need the hundred be called in to explain such modest privileges as the townsmen enjoyed. The alternative suggested that it was a case of a market town, with some burghal privileges granted by the lord, but not a borough

in the full sense, is undoubtedly the right one. It is perhaps going too far to say that 'the inhabitants of the town, as far as we know, were contented under monastic rule' (p. 48) after recording on an earlier page that they joined with the customary tenants in an attack on the abbey in 1381 (p. 32).

J. T.

We think that the majority of persons who consult Mr. Hubert Hall's *Repertory of British Archives, Part I, England* (Royal Historical Society, 1920), will be frankly puzzled by it, even if they lay to heart the warning in the preface that it 'is not intended to serve as a "Guide" to the Records, central or local, public or private'. 'The object of the work', Mr. Hall explains, 'is to assist historical-students in locating such documents as may be useful for their studies.' Records may be classified, as he points out, either on a 'structural' or a 'proprietary' basis, that is, either by reference to their form or by reference to their ownership, and the former 'has the advantage of bringing together many related documents which are now scattered under various departmental references.' We would submit that there is yet a third method, less scientific but more generally intelligible, and therefore of greater practical utility than the 'structural' method which is adopted here, and that is classification by subject-matter. Mr. Hall's scheme, although the natural one for the archivist and the student of diplomatic, involves the use of categories with which most historical workers are little familiar. Consequently many of his readers may fail to appreciate the usefulness of a classification scheme constructed on lines that are novel to them. They are likely to be further prejudiced by a looseness of statement and still more of reference that is distinctly provoking. If so, Mr. Hall will have little justice done to him; for his work is the most important summary survey of public records that has appeared since the third edition of Scargill-Bird's *Guide*, and, as it embraces departmental and local records as well as the contents of the central Record Office, it breaks new ground. It forms a valuable key to the three reports of the Royal Commission on Public Records. It contains a considerable amount of up-to-date information, not to be found elsewhere, regarding the archives in Chancery Lane. The directory of local archives with which it closes, though necessarily imperfect, is easy to consult; and it contains excellent accounts of the general character of certain classes of records, such as those of towns, counties, and parishes. But it is essential that the book should be treated as an experiment in classification, and not as the guide which it disclaims to be.

Y.

The principal change in the well-known arrangement of the *Annual Register* (London: Longmans, 1921) caused by the events of last year is the appearance of a new chapter, 'The League of Nations', at the head of the section on foreign and colonial history. The other chapters of the same section include also some new headings, and the brief, clear narratives of events in the new states of the world will be found widely useful. The public documents include the texts of the Italian Treaty of London of 1915 and five other texts and summaries. The volume as a whole sustains the high reputation of the series.

Z.

The *Transactions of the Royal Historical Society* for 1920 (Fourth Series, vol. iii) has several articles with new and interesting matter. The Rev. Dr. G. Edmundson, in an account of the voyage of Pedro Texeira on the Amazon in 1637-9, makes use of three new manuscript sources, two at Lisbon and the third in the Rawlinson collection in the Bodleian. Miss Mildred Wretts-Smith draws on manuscripts in the British Museum and the Public Record Office for an account of the Muscovy Company in the second half of the sixteenth century, and Dr. William Rees's study of the Black Death in Wales is based on a careful investigation of records. Miss M. Dormer Harris gives an account of two volumes of correspondence from royal and private persons from the fourteenth to the nineteenth century belonging to the city of Coventry, and the diary of a seventeenth-century mayor. Mr. J. E. Neale's Alexander Prize Essay is a minute study of the Commons' Journals of the Tudor period, tracing the steps by which the house 'entrenched upon the freedom of the clerk in making and preserving his journal'. A.

In a paper, with maps, in *The Antiquaries Journal*, vol. i, no. 2 (London: Milford, 1921), Mr. E. A. Rawlence supports the view that Edington on the Polden Hills, in Somerset, is the site of King Alfred's battle of Ethandun. In the same number Mr. A. F. Major gives arguments against this view. B.

Besides communications of domestic interest to the Bodleian Library and bibliographical notes of various kinds, the *Bodleian Quarterly Record* has a section entitled 'Documents and Records'. In the number for the first quarter of 1921 (vol. iii, no. 29) are given the statutes of the university collected in the Bodleian MS. e Musaeo 96 (fos. 480 a-481), which probably date back to 1275 or earlier, and a draft of heads of statutes for his library made by Sir Thomas Bodley not later than June 1602. C.

A considerable portion of the last two numbers of *Annales de Bretagne* (tom. xxxiv, nos. 2 and 3. Rennes: Plihon et Hommay, 1920) is devoted to the history of the Revolutionary period. Thus M. Léon Dubreuil completes in the latter number his study of Pierre Guyomar, a Guingampais who sat in the Convention and ultimately rallied to the consulate and empire. M. F. Uzureau in no. 3 prints interesting contemporary records of the sufferings of the 'prêtres insermentés du Finistère 1791-3'. Earlier periods are illustrated by M. L. Gaugaud's short but interesting study, partly based on a tract of Dr. Liebermann's, of 'Mentions Anglaises de Saints Bretons et de leurs Reliques'. From it we gather that the cult of Saint Gildas can be traced back in England to the eighth century, that Congresbury owes its name to the Breton saint Congar, and that a parish in the Morbihan, Saint-Jean-Brévelay, is dedicated to the Yorkshire saint whose reputation we should have thought would hardly have extended beyond the north of England. An article by M. E. Déprez on 'Un Pays du Bocage du Massif Armoricaïn' is an interesting study by an historian of a book by his geographical colleague at Rennes, which shows a more intimate collaboration of geography and history than is always to be found on this side of the Channel.

In *Annales du Midi*, nos. 121-2 (Toulouse: Privat, 1919), there is contained on pp. 1-24 an important account by M. Bémont of the municipal institutions of La Réole, 'La Mairie et la Jurande dans les Villes de la Guyenne Anglaise: La Réole'. This is a substantial contribution to the series of similar studies which will form a 'travail d'ensemble'. It ranges with two other instalments which have already been printed elsewhere under the same general title. One of these, referring to Bordeaux, has already seen the light in 1916 in tom. cxxiii of the *Revue Historique*. Another, a study of the four Dordogne towns, Bourg, Blaye, Saint-Émilien, and Libourne, was published in 1917 in the *Revue Historique de Bordeaux et du Département de la Gironde*. In this M. Bémont shows how La Réole, which up to Richard I's time was a strict dependency of its priory of St. Peter, became a royal town and castle with a constitution of the communal type, with mayor and jurats, not later than the reign of John. By the middle of the thirteenth century it had lost its mayor and possessed but a very reduced survival of its earlier municipal institutions. La Réole, like Bordeaux, occupied then a place apart among the towns of the duchy of Guienne. In nos. 123-4, pp. 190-5 (1919), M. J. Calmette publishes a 'Note d'Histoire Anglo-franco-aragonaise', centring round a letter of Edward IV of York to Peter of Portugal, whom the Catalans had called in as their sovereign on their revolt from John II of Aragon. The letter, dated Windsor, 20 June 1465, is preserved in a Catalan copy in the municipal archives of Barcelona. It shows Edward anxious for an alliance with the Aragonese pretender, and speaking in a cordial way of his messenger, a Catalan knight, Bartholomew Gari. Next year the same knight was employed to negotiate a marriage between the Catalan pretender and Edward's sister Elizabeth, a plan cut short by Peter's death. This early marriage proposal in favour of the future wife of Charles the Bold is described in M. Calmette's *Louis XI, Jean II et la Révolution Catalane* (Toulouse, 1903), but seems unknown to most English writers on the period and the lady. In nos. 121-2, pp. 68-73 (1919), M. Antoine Thomas calls attention to the fashion of beginning the year on 1 April which was confined to Toulouse, which M. Galabert had noted in the same periodical in tom. xxiii, pp. 45-56. He shows that in 1332 the 1 April style was already *iuxta consuetudinem Tholose*, and that it was used as early as 1305. M. Galabert adds new instances suggesting that the employment of this special style was limited, even at Toulouse, to notaries instituted by the consuls, since papal and imperial notaries, established in the city, still changed the year at Christmas. In nos. 121-2 and 123-4, pp. 35-67 and 193-6, M. A. Arnaud completes an elaborate study of the functions and jurisdiction of the consuls at Montpellier during the seventeenth and eighteenth centuries.

T. F. T.

In the *Anzeiger für Schweizerische Geschichte*, Neue Folge, vol. xvii, is a new edition of the late fourteenth-century chronicle of the Anonymus Friburgensis, an unjustly discredited author of whom M. A. Roulin has rediscovered a lost manuscript. He gives a small facsimile, and M. Pierre de Zurich appends a note on the date of the manuscript, which he ascribes to the fifteenth or sixteenth century. Another medieval text is given by

Dr. Albert Büchi in vol. xviii, no. 2, the chronicle of Nicod du Chastel (1435-52), of which the manuscript formerly belonged to Sir Thomas Philipps and is now at Freiburg. Two articles in vol. xvii give considerable new materials for nineteenth-century history, that of Dr. Arnold Winkler on Austrian policy towards the Sonderbund, and that of Dr. Alfred Stern on political refugees in Zurich after the revolutions of 1848 and 1849. We have received the issue for 1918 of the *Bibliographie der Schweizer-geschichte*, which is published as a supplement to the *Anzeiger*. D.

The second instalment of M. Victor van Berchem's study of the relations between Geneva and the Swiss in the fifteenth century appears in the *Jahrbuch für Schweizerische Geschichte*, vol. xlv (Zurich: Beer, 1920), together with an article of Dr. Karl Meyer on Italian influences on the rise of the *Eidgenossenschaft*, one on the names 'Château d'Oex, Ogo, Vechtland', by Dr. Gustav Schnürer, and a fourth, on *Willibald Pieckheimer* and the town of Nuremberg, by Dr. Emil Reicke. E.

#### CORRECTION IN THE NUMBER FOR OCTOBER 1919

Pp. 586-8. Mr. J. E. Neale writes that the number of bills quashed by Queen Elizabeth in the parliament of 1597/8 (estimated in these pages at ten, but with a reservation regarding the reliability of our sources) is now finally settled by the discovery amongst the Burghley papers at the British Museum (Lansdowne MS. 83, fos. 207-8) of a contemporary list of the bills passed that session, with the response of the queen added in a different hand in the margin against each, except only the two subsidy bills and the act of pardon. At the foot in the marginal hand is the note, '43. assented unto 12. refused by her Ma<sup>tye</sup>'. The two bills, in addition to the ten previously given, which have the response 'La R. s'aduysera', are:

An act concerning Garret de Malynes and John Hunger merchants strangers.

An act for confirmation of statutes merchants acknowledged in the town corporate of Newcastle upon Tyne.

The list is apparently an official one, such as must have been prepared at the end of each session.

#### CORRECTION IN THE JANUARY NUMBER

Pp. 53-7. Miss Hilda Johnstone writes: In my note on the chronology of the parliament of Lincoln of 1316 the only example I could give of the use of *Carnisprivium* for days between Quinquagesima Sunday and Ash Wednesday was taken from a French source. I can now give an English instance, occurring in a household roll for the twelfth year of Edward I, viz. 1283-4 (Excheq. Accts. 351/13, m. 3). In the left-hand of the four columns into which the roll is divided the clerk noted any facts he chose as to time or place. Opposite the entry for Tuesday, 22 February, he wrote *Carnisprivium*; opposite Wednesday, 23 February, *Hic incipit dies Cinerum*.

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# THE ENGLISH HISTORICAL REVIEW

NO. CXLIV.—OCTOBER 1921 \*

## ‘*Adventus Vicecomitum*’, 1258–72

‘AFTER July 1263’, says Professor Tout in his *Chapters in Mediaeval Administrative History*, ‘the exchequer nearly collapsed. There was no treasurer and no resident baron until November 1263, when a provisional administration was set up under John Chishull, chancellor of the exchequer, and a baron appointed for the purpose.’<sup>1</sup> This being the case, an examination of the relations existing between the sheriffs and the exchequer during the Barons’ War is of some interest, especially as the evidence of the Pipe and Memoranda Rolls has not hitherto been analysed. We are, however, at once confronted with difficulties on undertaking such an analysis,<sup>2</sup> for modern research has been directed towards a study of the exchequer in the twelfth rather than in the thirteenth century. The lack of printed evidence, combined with the enormous bulk of the rolls, has prevented students from giving the exchequer records of the thirteenth century the attention which they deserve.

The purpose of this article is to examine certain summaries in the Memoranda Rolls, checking them, where necessary, by the Pipe Rolls, in order to ascertain the position of affairs at the exchequer at the end of Henry III’s reign. These summaries are three in number, and occur regularly on the Memoranda Rolls between 1258 and 1272: they are the *Dies Dati*, the *Compoti Comitatum*, and the *Adventus Vicecomitum*. The *Dies Dati* are, as their name implies, a list of appointments which the exchequer made with the sheriffs, usually, but not always, for purposes of account. The *Compotus Comitatus* is entered for each county which accounted at the exchequer in any

<sup>1</sup> i. 297. See also Madox, *History of the Exchequer*, ii. 55, and Memoranda Roll, King’s Remembrancer, 47 & 48 Hen. III, mm. 1 d, 2.

<sup>2</sup> I am deeply indebted to Mr. Hilary Jenkinson, of the Public Record Office, for his help in overcoming these difficulties.

particular year, and contains a review of the position with regard to that sheriff's account. The exact date of the sheriff's attendance and the years, if more than one, for which the account was rendered, are given at the beginning of each Compotus, together with the name of the county. Finally the Adventus Vicecomitum shows what sheriffs attended at the lower exchequer to make their payments at Easter and Michaelmas, and how much they paid in at each of the two terms. The Pipe Rolls, on which all the sheriffs' accounts were entered, have been used in many cases to check the Memoranda Roll entries, especially those in the Compoti Comitatum. From these sources it is possible to compile tables showing (1) what sheriffs attended at the upper exchequer for account, (2) at the lower exchequer to make payments, and (3) the actual amount of such payments. The analysis of the Pipe and Memoranda Rolls along these lines affords an interesting, and at the same time impartial, view of the relations between the sheriffs and the exchequer at a time when we know the exchequer's resources were being strained to breaking point. Because the records which we are about to examine were drawn up for financial purposes alone, they are without intentional political bias. The sheriffs, it is true, were changed in accordance with the views of the dominant party, but the same records were kept at the exchequer, whether the officials were followers of Earl Simon or of the king.<sup>1</sup>

Before this analysis can be attempted, it is necessary, however, to ascertain the normal attendance of sheriffs at the exchequer. Did the sheriffs in the reign of Henry III account annually in practice as well as in theory? Were there any abnormal shires, and, if so, how many sheriffs were obliged to attend regularly? In order to find an answer to these questions, the Surrey and Sussex entries on the Pipe Rolls have been examined up to and including the thirteenth year of Edward III's reign. The sheriff of these two counties usually answered annually, but on eight occasions he answered for two years together, and, if the period at present under consideration (1258-72) is omitted, only once for more than two years at one time.<sup>2</sup> A less elaborate investigation was undertaken in the case of several other counties, while a general study of the Pipe Rolls of the thirteenth and fourteenth centuries confirms the view that in practice as in

<sup>1</sup> For the changes of sheriffs by the dominant party see Tout in the *Political History of England*, iii. 103, 119, 128.

<sup>2</sup> This statement is based on a list compiled from the entries under the ferm of the county at the beginning of each Surrey entry on the Pipe Rolls. If the sheriff failed to answer in any given year, there is no entry for the county in that year, but the fact is noted in the succeeding roll. Before 1258 he accounts only twice for two years together, in 3 Hen. III and in 38 Hen. III. The Pipe Rolls for 15 John and 1 Hen. III are missing.



theory the sheriff came to the exchequer once a year to render his account. He also had to attend in person, or by duly appointed deputy, twice in the year to make his profer. Whether this means that he normally came up twice or three times is not certain, nor is it clear to what extent the appointment of a deputy was officially sanctioned.

Every county in England did not, however, send a sheriff regularly to the exchequer. Certain counties, as, for example, the palatinates, were undoubtedly abnormal. Moreover, a shire which is normal at one period may possibly be abnormal at another. An analysis of the way in which the shires accounted in the years 5-9 Henry II shows that the normal counties were thirty-four in number at that date, and that they answered regularly for all five years.<sup>1</sup> Middlesex, it is true, appears to have answered only for four of these years, but London answered for all five. Cheshire, Cornwall, Durham, Lancashire, and Westmorland, as we might expect, did not render any account. An examination of a period of ten years before the Provisions of Oxford<sup>2</sup> shows the same state of affairs at that date, with only slight modifications. Thus, Lancashire, though still very irregular, shows a tendency to become normal, and has consequently been included among the shires which account regularly. Rutland, on the contrary, becomes clearly abnormal, failing to account for long periods at a time.<sup>3</sup> Otherwise, the position of the counties is as it was under Henry II, except that a system of grouping two shires under a single sheriff has sprung up, there being ten such groups. There are, therefore, thirty-four normal counties, but only twenty-four normal administrative areas presided over by a sheriff who accounts regularly at the exchequer. In this connexion, it may be observed that London and Middlesex have been treated throughout this article as an area presided over by a single sheriff, though two sheriffs actually held office at a time in the city. The abnormal shires are omitted from subsequent calculations, since their inclusion leads only to confusion.

In theory, the sheriff made his profer at Easter and rendered his account at Michaelmas, but this is one of the cases where medieval practice diverges widely from theory.<sup>4</sup> If there were no evidence to support this contention, common sense would suggest that it must be so: the account of even a single sheriff, considering the elaborate procedure and the cumbersome machinery, must have taken a considerable time. An examination of the *Compotus Comitatus* entries and of the *Dies Dati*

<sup>1</sup> *Pipe Rolls 5-9 Hen. II* (Pipe Roll Society).

<sup>2</sup> i. e. 30-9 Hen. III.

<sup>3</sup> See *Pipe Roll 56 Hen. III*, under Rutland, where the sheriff accounts for 43-56 Hen. III, i. e. for fourteen years together.

<sup>4</sup> Tout, *Chapters*, ii. 97-8, n. 3.

proves, however, that roughly a fortnight was in practice allowed for the business of each county.<sup>1</sup> Moreover, the sheriff was not the only person in his district who had to appear at the exchequer of audit. The bailiffs of towns paying their own fermes and those of certain religious houses had, I think, to be present. This point is, however, one which requires further investigation. Though it is clear that the sheriff under certain circumstances intervened in these cases, as is shown in the *De Pluribus Debitis* entries, and also in the notes regarding distraint found against some of the debts in the *Compoti Comitatum*, the exact point at which such intervention took place is not known.

What was the usual procedure during the sheriff's year of office and at the audit of his account? At some time during his year of office, or more probably immediately before, the sheriff received the Summonses of the Pipe for his shire, that is the lists of debts which he had to collect, made up in the form of an abbreviated copy of the previous Pipe Roll, so far as it concerned his shire.<sup>2</sup> At the end were added the new debts, or *nova oblata*, which had been contracted recently, but not necessarily during the preceding exchequer year.<sup>3</sup> The summons also instructed him to appear at the exchequer on a certain date for purposes of account. This writ was probably issued at the end of Trinity term to take effect some time in the following Michaelmas and Hilary terms and before Easter for Easter and Trinity terms. In only a few cases have I found *Dies Dati* for the sheriff's profer, as distinct from his account, though such appointments must have been made. Returning to the *Dies Dati ad computandum*, we find that, if a calendar is compiled of the days assigned to the different sheriffs, the period covered by the hearing of the accounts is roughly about nine months. The first accountant, or accountants, had orders to attend *in crastino Sancti Michaelis*; there were more or less regular appointments every fortnight or three weeks from that date until the following June or July, slightly longer intervals being allowed between the terms. In other words, a sheriff might render his account any time between the end of September and beginning of July for his year of office ending at the preceding Michaelmas.<sup>4</sup> From this it follows that the Pipe Roll was completed about nine months after the date usually ascribed to it. For example, the Pipe Roll of 40 Henry III

<sup>1</sup> King's Remembrancer's Memoranda Rolls 47 & 48 Hen. III, mm. 8-14, and 48 & 49 Hen. III, mm. 18-25, furnish examples of the data on which this statement is based. A calendar has been worked out for several years together at this period.

<sup>2</sup> An interesting set of entries with regard to the Summonses of the Pipe are found on King's Remembrancer's Memoranda Roll 46 & 47 Hen. III, mm. 5-12.

<sup>3</sup> For an extreme case see Pipe Roll 18 Edw. I, Surrey and Sussex, where Matthew de Hastings is charged for the first time for not returning writs, as is contained in a certain schedule of sheriffs amerced in 2 Edw. I.

<sup>4</sup> Tout, *Chapters*, ii. 97-8, deals with this point in detail.

deals with the sheriffs' activities in the year Michaelmas 39 Henry III to Michaelmas 40 Henry III; it was made up on the other hand during the hearing of the sheriffs' accounts between Michaelmas 40 Henry III and the end of Trinity term 41 Henry III. This point, though apparently small, is of importance later in showing the connexion between the breakdown at the exchequer and the political history of this period. The Memoranda Rolls for both years contain entries concerning this account: the first records the instructions sent to the sheriff with regard to the collection of revenue and other administrative details which arose during his year of office; on the second are found details relating to the hearing of the account.

The normal counties in the middle of the thirteenth century were, then, thirty-four in number, and these were arranged in twenty-four administrative areas, each under a sheriff, except London and Middlesex, which had two. These officers answered annually at the exchequer for the revenue which they had collected in the previous year and for any expenditure which they had incurred on the king's behalf. Their account might be taken at any time between Michaelmas and the end of June following their year of office. Finally, the Memoranda Rolls do not cover the same period as the corresponding Pipe Rolls, but deal with the accounts of at least two years, and may also be, and usually are, concerned with the collection of arrears extending over a much longer period.<sup>1</sup>

We are now in a position to examine in detail the *Adventus Vicecomitum* and the companion summaries to which reference has already been made. The tables have been compiled for twenty-five years, that is, for five periods of five years each. The first of these is for the five years immediately before the issue of the Provisions of Oxford, the next three cover the years 1258-72, and the last contains the first five years of Edward I's reign. The points considered fall into three main divisions: (1) the attendance of the sheriffs at the exchequer of audit, (2) at the exchequer of receipt, and (3) the amount of money actually paid in by them there. These particulars have been tabulated year by year and county by county, in order to estimate the nature of the fluctuations during the period between the promulgation of the Provisions of Oxford and the accession of Edward I. As the figures are based in every case on the Memoranda Roll summaries<sup>2</sup> referred to above, it is only necessary to add (1) that in the first set of tables the *Compti Comitatum* have been checked in all doubtful

<sup>1</sup> King's Remembrancer's Memoranda Roll 21 Edw. I, m. 33, 'De terminis concessis de hominibus de Kynggeston', illustrates this point. The sum of £519 11s. 6½d. stated to be owing in this entry is made up of a number of debts, most of which were contracted in Henry III's reign.

<sup>2</sup> The King's Remembrancer's Memoranda Rolls are used throughout this article.

cases by direct reference to the Pipe Rolls, and (2) that the second and third sets are based exclusively on the *Adventus Vicecomitum*.

If the sheriffs' attendances at the upper exchequer for purposes of audit in the fifteen years before and after the Provisions of Oxford are compared county by county, the nature of the break-down at the exchequer at once becomes apparent. In the fifteen years the account for which begins at Michaelmas 1243, and ends about June 1258, eight county groups answered annually,<sup>1</sup> whilst six missed once.<sup>2</sup> Six sheriffs came up on thirteen,<sup>3</sup> two on twelve,<sup>4</sup> and one on eleven occasions,<sup>5</sup> while the remaining sheriff answered ten times.<sup>6</sup> Had the last two years been omitted from this calculation, the attendance would have been somewhat higher. Thus in this first period of fifteen years, no sheriff in charge of a normal district appeared less than ten times, and only four failed to answer more than twice. In the second period, after 1258, the position was very different. From 42 to 56 Henry III (1258-72), the sheriffs accounted much less regularly, only one district, London and Middlesex, answering annually, and one, Hampshire, thirteen times in the fifteen years. Two sheriffs accounted twelve,<sup>7</sup> three eleven,<sup>8</sup> and four ten times,<sup>9</sup> so that only eleven out of twenty-four sheriffs came up to the exchequer ten or more times during these fifteen years, whereas no sheriff appeared less than ten times at the earlier date. Three county groups rendered their account on nine,<sup>10</sup> three on eight,<sup>11</sup> and three on seven occasions.<sup>12</sup> Of the rest one sheriff accounted six times,<sup>13</sup> and two five,<sup>14</sup> whilst the twenty-fourth, the sheriff of Lancashire, answered only twice in this period, nor did he answer again until a date subsequent to 7 Edward I.

The analysis of the *Comptus Comitatus* entries in the Memoranda Rolls and of the Pipe Rolls along these lines brought out another feature peculiar to the rolls at this date. Before the middle of the fourteenth century certainly, and, probably, throughout the entire history of the Pipe Rolls, a three years' ac-

<sup>1</sup> Devon, Essex and Hertford, Kent, London and Middlesex, Norfolk and Suffolk, Northampton, Nottingham and Derby, Oxford and Berkshire.

<sup>2</sup> Cambridge and Huntingdon, Hampshire, Lincolnshire, Shropshire and Staffordshire, Surrey and Sussex, Warwick and Leicester.

<sup>3</sup> Buckingham and Bedfordshire, Cumberland, Gloucester, Somerset and Dorset, Wiltshire, Yorkshire.

<sup>4</sup> Hereford, Worcester.

<sup>5</sup> Northumberland.

<sup>6</sup> Lancashire.

<sup>7</sup> Essex and Hertford, Norfolk and Suffolk.

<sup>8</sup> Cambridge and Huntingdon, Lincolnshire, Wiltshire.

<sup>9</sup> Buckingham and Bedfordshire, Kent, Oxford and Berkshire, Northampton.

<sup>10</sup> Gloucestershire, Worcestershire, Surrey and Sussex.

<sup>11</sup> Nottingham and Derby, Somerset and Dorset, Yorkshire.

<sup>12</sup> Devonshire, Northumberland, Warwick and Leicester.

<sup>13</sup> Hereford.

<sup>14</sup> Cumberland, Shropshire and Staffordshire.

count was very rare. If the years 1258-76 are excluded from the calculation, I have found only three cases before 13 Edward III where a sheriff of a normal county answered for three years at one time; none of a sheriff answering for more than three years.<sup>1</sup> Between 1262 and 1276 these long intervals became common, and periods of over three years without any account being rendered were no longer unknown. Hereford answered for as many as seven years at one time in 52 Henry III, while the Pipe Roll of the previous year shows that two sheriffs answered at that date for six years at once.<sup>2</sup> A list of these accounts is given below, showing in each case the number of years which had elapsed since the last account.

<i>Pipe Roll.</i>	<i>County.</i>	<i>Number of years for which account was rendered.<sup>3</sup></i>
49 Henry III	Gloucestershire . . . . .	3 years
"	Warwickshire . . . . .	3 "
50 Henry III	Northampton . . . . .	3 "
51 Henry III	Buckingham and Bedford . . . . .	3 "
"	Oxfordshire and Berkshire . . . . .	3 "
"	Yorkshire . . . . .	3 "
"	Cambridge and Huntingdon . . . . .	4 "
"	Norfolk and Suffolk . . . . .	4 "
"	Cumberland . . . . .	5 "
"	Northumberland . . . . .	5 "
"	Shropshire and Staffordshire . . . . .	6 "
"	Surrey and Sussex . . . . .	6 "
52 Henry III	Warwick and Leicester . . . . .	3 "
"	Devonshire . . . . .	4 "
"	Somerset and Dorset . . . . .	5 "
"	Hereford . . . . .	7 "
53 Henry III	Gloucestershire . . . . .	3 "
"	Nottingham and Derby . . . . .	3 "
54 Henry III	Yorkshire . . . . .	3 "
55 Henry III	Cumberland . . . . .	2 (2 omitted)
"	Kent . . . . .	3 years
56 Henry III	Devonshire . . . . .	3 "
1 Edward I	Shropshire and Staffordshire . . . . .	2 (2 omitted)
2 Edward I	Cumberland . . . . .	3 years
3 Edward I	Northumberland . . . . .	3 "
"	Worcestershire . . . . .	3 "
4 Edward I	Nottingham and Derby . . . . .	3 "

<sup>1</sup> Northumberland in 40 Hen. III for 38-40 Hen. III, Yorkshire in 42 Hen. III for 40-2 Hen. III, and Surrey and Sussex in 30 Edw. I for 28-30 Edw. I. Lancashire is not included in this statement.

<sup>2</sup> Surrey and Sussex, Shropshire and Staffordshire.

<sup>3</sup> The figures are based on the table of attendances at the exchequer of audit for these years, the summary of which is given in the next set of tables.

Cumberland had rendered no account for the fifty-second and fifty-third, nor Shropshire and Staffordshire for the fifty-fifth and fifty-sixth years up to the end of the account for 7 Edward I. While it is difficult to prove that these accounts were never rendered, it is yet, I think, probable that this was actually the case.<sup>1</sup>

So far our attention has been concentrated on the attendance of the sheriffs, county by county; further information may be gained by examining the facts year by year. For this purpose, it is convenient to subdivide the fifteen years after the Provisions of Oxford into three sections of five years each, and to compare these with periods of similar length immediately before the issue of the Provisions, and again after Edward I's accession. This arrangement enables us to form an accurate estimate of the nature of the break-down at the exchequer of audit, and later at the lower exchequer. At the same time it brings out clearly the relation of the break-down to the political history of this period.

*Attendances of the Sheriffs at the Exchequer of Audit.*<sup>2</sup>

<i>First Period.</i>		<i>Second Period.</i>		<i>Third Period.</i>		<i>Fourth Period.</i>		<i>Fifth Period.</i>	
<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>	<i>Year.</i>	<i>Number of Sheriffs.</i>
1253	20	1258	15	1263	9	1268	15	1273	17
1254	22	1259	21	1264	11	1269	10	1274	16
1255	21	1260	18	1265	7	1270	14	1275	20
1256	21	1261	19	1266	9	1271	15	1276	22
1257	20	1262	19	1267	14	1272	19	1277	23
Total	104	Total	92	Total	50	Total	73	Total	98

Thus the sheriffs attended regularly at the exchequer to render their account during the first period, which ended a few weeks after the assembly of the Mad Parliament, though even at this date their attendance was not so regular as that of their predecessors under Henry II. Nor was it even so good as in the preceding ten years. The accounts for the second period began at Michaelmas 1258, roughly three months after the Provisions of Oxford were drawn up, and ended in the summer

<sup>1</sup> The borough of Kingston (Surrey) failed to pay certain debts, including the ferm of the town, between 34 Hen. III and 7 Edw. I. Practically nothing was paid in this case by 2 Edw. II, though the debts were finally wiped off in 10 Edw. II (see Pipe Rolls year by year). The debts were entered annually in this case, whereas the ferms of the two shires given above were never even entered up to 7 Edw. I. A study of the debts on the Surrey and Sussex membranes of the Pipe Rolls for the next half-century confirms this view.

<sup>2</sup> The dates given in these tables are those of Michaelmas, at which date the first account was heard. The account of 37 Hen. III, for example, began at Michaelmas 1253 and ended in the following summer: the sheriffs had to answer during this account for the year Michaelmas 1252 to Michaelmas 1253.

of 1263. These were the years of preparation for war, during which the strength of both parties fluctuated: until 1261 the barons were, on the whole, in the ascendant, but from that date onwards the royalist party gradually gathered strength. The summer of 1263 saw both Prince Edward and Simon de Montfort engaged in raising armies. When the exchequer opened in the autumn of 1263 to hear the first account of the third period, the country was already on the verge of civil war. During this period were fought the battles of Lewes (May 1264) and Evesham (August 1265). The Dictum of Kenilworth and the Ely rebellion are the chief events of 1266, and peace was finally restored in July 1267.<sup>1</sup> The total attendance for the five years before 1258 was 104 sheriffs; in the second period it falls to 92, and during the period of civil war to 50, that is, to less than half the number in the first period. During the four years when war was in progress, the attendances, as a glance at the table will show, were abnormally low. In the fourth period, which covers the last five Pipe Rolls of the reign, a distinct improvement may be observed, though even here recovery is slow. It is maintained, however, in the fifth and last period, though even as late as the first and second years of Edward I the numbers are still low. If, however, the years 3-7 Edward I were taken instead of those chosen, it would be seen that the total is slightly higher than in the first period. In view of these statistics, the collapse of the exchequer cannot be regarded as accidental; it bears too close a relation to the course of events in the country at large.

If the accounts for the forty-sixth year, the last of the second period, are compared with those of the forty-seventh, the first of the third, the break-down is at once seen to have been both sudden and complete. Nineteen sheriffs were present at the account which ended in June 1263; nine came up to the exchequer for the account in the following year. From the opening of the exchequer at Michaelmas 1263 until the following November there was no treasurer and no resident baron.<sup>2</sup> The session finally ended early in February, and there was no Easter term in this year.<sup>3</sup> The business of the exchequer was further retarded at the beginning of the following Michaelmas term, owing to Roger Bigod's failure to appoint a deputy. Moreover, only four accounts were heard after the end of January in this year. After

<sup>1</sup> Tout in the *Political History of England*, III, v, vi, and *Chapters*, i. 295-317.

<sup>2</sup> Tout, *Chapters*, i. 297.

<sup>3</sup> The last accountant was the sheriff of Buckingham and Bedford, who came up on 5 February (King's Remembrancer's Memoranda Roll 47 & 48 Hen. III, mm. 8-14). He was given a day within the month of Easter to make his sum, but was not able to do so, nor to pay in his Easter profer (*ibid.* 47 & 48 Hen. III, m. 14 d; 48 & 49 Hen. III, m. 6. Cf. also Madox, *History of the Exchequer*, ii. 56. The Memoranda Roll of 47 & 48 Hen. III has no entries for Easter term.

Easter 1266, the exchequer was obliged to move to St. Paul's on account of disturbances in the city of London, and in the following year (1266-7), the exchequer still being apparently at St. Paul's, no business was again transacted in Easter term until the Wednesday before the feast of St. John the Baptist, on account of the disturbance of the realm through the earl of Gloucester.<sup>3</sup>

So far only accounts rendered at the upper exchequer have been considered; no attention has as yet been paid to the attendances at the exchequer of receipt, or lower exchequer, nor to the amount of money which the sheriffs paid in there. But at such a time a full treasury was far more important than an accurate account. It is conceivable, therefore, that the exchequer officials, realizing this, permitted the sheriffs considerable latitude in the latter respect, so long as they did not fail to pay in the usual sum of money at the lower exchequer. Moreover, at such a crisis the presence of the sheriff in the county was an essential of good government. Is this the real explanation of the apparent breakdown at the upper exchequer during the Barons' War?

The truth of this hypothesis can be tested by an analysis of the sheriffs' attendances at the exchequer of receipt along the same lines as those already given in the case of the exchequer of audit. At this point, a word of explanation is necessary as to the nature of the evidence and its relation to the figures for the attendances for purposes of account. The accounts as entered on the Pipe Roll represent the sheriff's year of office; the entries on the Memoranda Rolls, on the other hand, were entered as each sheriff made his payment, the first payment entered being that of Michaelmas term, and the second his profer at Easter. If this order were taken here, it would make a difference of six months between the first set of tables and the second and third, besides which the latter would have no relation to the actual exchequer years. This point can best be illustrated by taking the year 43 Henry III as an example:

Michaelmas term 42 Hen. III (1258)	} Sheriffs' payments entered in Memoranda Roll 42 & 43 Hen. III.	} Sheriffs' accounts in Pipe Roll 43 Hen. III.
Easter term 43 Hen. III (1259)		
Michaelmas term 43 Hen. III (1259)	} Sheriffs' payments entered in Memoranda Roll 43 & 44 Hen. III.	
Easter term 44 Hen. III (1260)		

If, therefore, we wish to take the figures for the normal exchequer year, i. e. the Pipe Roll year, it is necessary to take the details entered under the Adventus Vicecomitum heading for Easter term 43 Henry III from the Memoranda Roll 42 & 43 Henry III, and the corresponding facts for Michaelmas term

<sup>1</sup> Memoranda Rolls 48 & 49 Hen. III, m. 2, 49 & 50 Hen. III, m. 10, and 50 & 51 Hen. III, m. 6 d, together with the Compoti Comitatum for these years, contain the evidence on which the above account is based.



43 Henry III from Memoranda Roll 43 & 44 Henry III. Thus, the collection of the customary revenue for the year 1258/9 and its payment into the lower exchequer are taking place at the same time as the accounts for 1258 are being heard at the upper exchequer. But, for example, the sheriff of Kent who renders his account in that year is not necessarily the same man who is paying in money at the lower exchequer; the former is accounting for the year 42 Henry III, the latter is collecting and paying in money for 43 Henry III. The adjustment is complicated but the advantage is obvious; by this arrangement the close connexion which really exists between the three sets of tables is rendered apparent in a way which would not otherwise be possible. The fact that the date of the collapse is the same in both departments, although the local officials were not necessarily the same, only serves to render the figures more significant.

Another important point is that the totals, as given below, represent the amount paid in by the sheriffs; no allowance is made for payments by towns responsible for their own fairs. To introduce the latter into the calculations would bring in a new and unknown factor, the attitude of the governing bodies in the towns towards the exchequer. Therefore, the annual totals do not represent the customary revenue of the Crown in any year, but only the total sum paid in by the sheriffs of normal shires, as defined at the beginning of the present article, a very different matter. If a sheriff attended, whether in person or by deputy, without making a payment, he has been counted as if he had not come. It was necessary to do this, in order to simplify the tables. Lastly, the tables compiled from the *Adventus Vicecomitum* entries ought theoretically to be checked by the Receipt Rolls, which are the exchequer of receipt's records of money paid in there. In practice, however, the difficulty of establishing the exact connexion between the two sets of records proved an insuperable obstacle. The payments entered in the sheriffs' totals may be, and often are, entered on the receipt roll under the names of several other people besides the sheriff. The *Adventus Vicecomitum* entries, however, cover the required ground, and are sufficient for our purpose.<sup>1</sup>

The sheriffs' attendances at the exchequer of receipt may now be examined in detail. (See p. 492.)

The variation in the attendances is not so marked in the case of the payments as of the accounts, but the story which it tells is essentially the same. The truth of this story is finally estab-

<sup>1</sup> The formula is '*Vicecomes venit (per clericum suum) et tulit £x*'. The end of the entries varies: sometimes we find that the sheriff brought the writs and tallies, sometimes that he failed to do so, or again they may not be mentioned at all. The references to tallies are not numerous at this date.

lished by an examination of the sums of money actually paid into the treasury. At the lower exchequer, the number of sheriffs in attendance is slightly higher in the second and fifth periods than in the first, and in this respect differs from the attendances for the account. But the marked decline in the third period is the same in both cases. Here again, the attendances show a sudden drop after Michaelmas 1263; during the year ending at Michaelmas 1263, twenty-three sheriffs sent or paid in the money which they had collected during the year 1262/3, only six paid in anything for the following year. The drop in this case is even more marked than in the earlier tables. If the figures for the whole of the third period are examined, it will be seen that, though the attendances improved in the following year, they again declined for the three remaining years of the period. The total number of sheriffs who came up to the lower exchequer in these five years is only sixty-six as against one hundred and fourteen in the second and best period. As before, recovery begins in the last few years of the reign, and is steadily maintained after Edward I's accession. The total attendances are noticeably higher here than they were at the exchequer of audit. The explanation is probably that attorneys were much more frequently admitted for purposes of payment than of account. The *Adventus Vicecomitum* frequently contains a note that the sheriff made his payment through his clerk; these payments have been included in the tables, though the sheriff was not actually present. If they had been omitted, the number of attendances would have been very much lower.

*The Sheriffs' Attendances at the Exchequer of Receipt.<sup>1</sup>*

<i>First Period.</i>		<i>Second Period.</i>		<i>Third Period.</i>		<i>Fourth Period.</i>		<i>Fifth Period.</i>	
<i>Number of Year. Sheriffs.</i>		<i>Number of Year. Sheriffs.</i>		<i>Number of Year. Sheriffs.</i>		<i>Number of Year. Sheriffs.</i>		<i>Number of Year. Sheriffs.</i>	
1254	22	1259	24	1264	6	1269	17	1274	23
1255	23	1260	22	1265	19	1270	21	1275	23
1256	22	1261	22	1266	14	1271	19	1276	21
1257	18	1262	23	1267	13	1272	17	1277	22
1258	18	1263	23	1268	14	1273	22	1278	21
Total	103	Total	114	Total	66	Total	96	Total	110

Thus the sheriffs attended, on the whole, more regularly to make their payments than to render accounts; but this apparent difference is due to the rules governing the procedure in the two departments of the exchequer and not to a greater zeal on

<sup>1</sup> The first year ran from Michaelmas 1253 to Michaelmas 1254, the payments being made at Easter and Michaelmas 1254, the money being collected from 1253-4, whilst the 1253 account was being heard.

the part of the sheriffs to make payments than to render account. Moreover, the results obtained from the two sets of tables are in effect the same. Both at the receipt and at the exchequer board, the sheriffs were showing great reluctance to perform their duties between 1258 and 1272. These were critical years at the exchequer, years during which the whole financial machinery appears to have been on the verge of collapse. This collapse actually took place during the period 1263-8. The subsequent recovery was a difficult process, only rendered possible by the energetic reforms undertaken by the barons of the exchequer in the next seventeen years. Even in spite of their efforts, the customary revenue of the Crown never entirely recovered from the blow which it received at this date.

In the examination of the sheriffs' payments into the exchequer of receipt, the periods chosen are exactly the same as for their attendances there. The sums given, it is necessary to remember, are those paid by the sheriffs of normal counties only: the payments by boroughs on account of their fermes are not included. As was the case in the attendances at the upper exchequer, so also here, the sheriffs frequently failed to attend for several years together during the third and fourth periods. Apart from this fact, the actual county payments are very much smaller after Michaelmas 1263.<sup>1</sup> Certain counties maintain, however, a fairly high annual average. Lincolnshire, for example, during the years 42-47 Henry III, pays on an average each year £262 2s. 2½*d.*, and in the years 48-56 Henry III £145 18s. 6*d.* Yorkshire, again, makes an average payment of £134 8s. 11*d.* in the former period, and £97 3s. 6*d.* in the latter. In the case of counties that are really irregular the payments after 1263 are much smaller. Thus Surrey and Sussex averaged £52 6s. 1*d.* at the earlier date, but only £13 16s. 3½*d.* at the latter. London and Middlesex furnish us with an extreme instance. The sheriffs, in this case, appeared regularly at the exchequer of receipt every year, yet in the fifteen years between 1258 and 1272 made only one payment of £49 13s. 3½*d.* in 43 Henry III. Throughout the whole of the five periods these sheriffs made only four payments, yielding a total of £298 9s. 3½*d.* Of these, two were paid after Edward I's accession.<sup>2</sup>

If we examine the figures for the actual payments in our five periods and compare them with the attendances, we find a very interesting state of affairs.

<sup>1</sup> An interesting set of writs, issued by the exchequer between 1260 and 1263, suggests that even at this date the officials were concerned about the financial position. See King's Remembrancer's Memoranda Rolls 43 & 44 Hen. III, m. 6, 44 & 45 Hen. III m. 5 d, and 46 & 47 Hen. III, mm. 4 d, 5, 15.

<sup>2</sup> Cf. King's Remembrancer's Memoranda Roll 49 & 50 Hen. III, m. 2 d, where we are told that the sheriffs were delivered to the marshal for non-payment.

*The Sheriffs' Payments into the Exchequer of Receipt.*

<i>First Period.</i>			<i>Second Period.</i>			<i>Third Period.</i>		
<i>Year.</i>	<i>Total.</i>		<i>Year.</i>	<i>Total.</i>		<i>Year.</i>	<i>Total.</i>	
	£	s. d.		£	s. d.		£	s. d.
1254	5,531	9 4	1259	2,474	13 3½	1264	139	1 8
1255	4,259	3 0	1260	1,940	0 0	1265	1,003	19 8
1256	2,310	0 0	1261	2,329	18 3	1266	687	11 0
1257	3,184	16 8	1262	2,762	10 0	1267	353	0 0
1258	2,159	6 8	1263	1,883	10 6½	1268	571	13 4
Total	17,444	15 8	Total	11,390	12 1	Total	2,755	5 8

<i>Fourth Period.</i>			<i>Fifth Period.</i>		
<i>Year.</i>	<i>Total.</i>		<i>Year.</i>	<i>Total.</i>	
	£	s. d.		£	s. d.
1269	1,339	8 8	1274	3,223	13 4
1270	2,106	10 4	1275	4,529	2 7½
1271	1,264	18 4	1276	3,405	6 8½
1272	934	6 8	1277	2,567	8 9
1273	2,419	0 0	1278	3,449	19 6½
Total	8,064	4 0	Total	17,175	10 11½

Thus the highest sum paid in any one year was £5,531 9s. 4d. in 1254, the lowest £139 1s. 8d. in 1264. The yearly average for the first period is £3,488 9s. 2d., in the third it has dropped to £551 1s. 1½d., or roughly a sixth of what it was at the earlier date. After 1256 the yearly payment does not again reach £3,000 (a normal figure before that date) until 1274; during the five years of the worst period it only once reached even £1,000. The total for this third period is, moreover, less than the average yearly sum paid in during the first period. The actual difference between the payments in the years 1263 and 1264 is £1,744.

The difference between the revenue received in the first and fifth periods and that received in the third is so great as to raise the question whether the sheriffs were not being compelled to pay the money into the wardrobe, or to discharge the king's debts locally by means of assignments. In the latter case the sheriffs would receive the king's writ authorizing the payment, and on presenting the same at the exchequer would receive due allowance in their accounts. These payments would in this case be entered on the Pipe Rolls.<sup>1</sup> An examination of the entries under the sheriff's ferm for each of the counties answering in 51 Henry III, a particularly good year,<sup>2</sup> shows that the allowances made under this heading were not abnormally large, and were

<sup>1</sup> See *Cal. of Liberate Rolls, 1226-40*, pp. x-xii.

<sup>2</sup> This roll contains a number of accounts for the worst years of the third period, and was chosen for this reason.

perfectly normal in other respects. It is, therefore, reasonable to assume that the sheriffs were not making payments locally by means of a system of assignments. Between 1258 and 1261 payments were undoubtedly being made direct into the wardrobe;<sup>1</sup> further evidence of such payments may be found on Memoranda Roll (King's Remembrancer) 50 & 51 Henry III, where instructions are issued to four sheriffs to pay part of their profers direct into the wardrobe.<sup>2</sup> The Pipe Roll for the fifty-first year shows that five sheriffs claimed allowance on their farms for amounts paid into the wardrobe, the total amount of such payments being £340 15s. 3½d., a sum which, if added to the payments into the receipt, would still leave the total for that year well under £1,000. Moreover, we have at present no evidence that these payments into the wardrobe were a new departure. Again, this is the year in which the sheriffs were being brought up to account for a number of years for which they had hitherto failed to answer. Taking this point into consideration, £340 is not a large sum. Moreover, if this were the real explanation of the abnormally small payments in the third period, the evidence would again appear on the Pipe Rolls in the same way as it did in the case of the assignments. But on the contrary, not only is this not the case, but the sheriffs continue to be charged with the unpaid farms year by year. Some of the debts contracted at this period are not finally wiped out until some years after Edward II's accession. Neither of the above explanations is, therefore, sufficient to account for the very serious decline in the sheriffs' payments into the receipt, nor do they in fact seriously affect the figures.

It would be natural to expect that, after peace was restored, the sums paid in by the sheriffs would actually increase, for there were a number of outstanding debts, due from other people besides the sheriff. If the recovery at the exchequer were real and complete, this would certainly be the case. No such increase is, however, recorded, and in fact the total for the fifth period is less than for the first. The subsequent history of these debts forms a separate and interesting chapter of exchequer history, one of great importance in the development of the Pipe Rolls in the late thirteenth and in the fourteenth centuries. It is enough for our purpose to note that recovery was not really complete by 7 Edward I. The payment for that year, the highest since the new king's accession, was nearly £400 below the average for the years 1253-7, while the Pipe Rolls are still heavily burdened with desperate debts, in spite of the drastic measures taken to relieve them. These efforts began as early as 1268, and aimed at establishing a more complete control over Crown debtors. They are first clearly apparent on Pipe Roll 52 Henry III, though-

<sup>1</sup> Tout, *Chapters*, i. 301-2.

<sup>2</sup> Two of these writs are entered on m. 2.

the germs of the reform may be discerned in the previous year.<sup>1</sup> A second and more drastic attempt was made four years later, when it was ordered that desperate debts should be marked 'd', and that, instead of being entered annually on the Pipe Rolls, they were to remain on the roll on which they were so marked, but were to be read over at the account for that shire each year.

The chief object of these reforms was to free the Pipe Rolls from the overwhelming burden of debt which was their legacy from the Barons' War. It is true that there were arrears before that time, but the volume was small, when compared with the huge mass of debt contracted at this period. The Pipe Roll, in fact, becomes at this date rather a roll of Crown debtors than a roll of accountants. Further attempts at reform were made in 7 Edward I, when a large number of desperate debts were transferred to the *Rotulus Pullorum*, the first attempt to form a separate roll of desperate debts and a direct ancestor of the Exannual Rolls.<sup>2</sup> Finally, in the twelfth year, these reforms culminated in the *Rotulus de Corporibus Comitatum*, on which was entered the old ferm of the different counties and the subsequent gifts of land made by the king, so that in future only the remnant of the ferm, for which the sheriff actually had to account, was entered on the Pipe Rolls. After the *Corpus Comitatus* were placed a list of desperate debts for each county. The new feature here is that, whereas the *Rotulus Pullorum* only records two sets of desperate debts at the most, this second roll records them year by year as they occur. When it became too full, the clerks began a new roll, the first Exannual Roll. It must not be concluded, however, that the extraction of desperate debts originated as a result of the Barons' War. The germs of this system may be discerned as early as 28 & 33 Henry II, when certain desperate debts were enrolled on separate membranes of the Pipe Rolls under the heading of their respective counties.<sup>3</sup> Exactly what stage had been reached by 1258 has not yet been worked out. The rebellion of the barons, however, led directly to a rapid development of this system, which until that time was merely in embryo. In spite of these attempts at reform, the Pipe Rolls were still burdened with a heavy legacy of debt, at least as late as Edward II's reign. A clear understanding of this point is essential to a study of these rolls in the fourteenth century.

MABEL H. MILLS.

<sup>1</sup> Debts marked 'd' and 't' are found throughout the Pipe Roll 52 Hen. III. They also appear in the previous year under Lincolnshire, Cumberland, and Yorkshire. Desperate debts are marked 'd'; if anything is collected on these, 't' is added.

<sup>2</sup> The *Rotulus Pullorum* was probably begun at the end of Henry III's reign, but a large number of debts were added in 7 Edw. I, being taken apparently from the Pipe Roll of 5 Edw. I.

<sup>3</sup> *Pipe Rolls 28 & 33 Hen. II* (Pipe Roll Society), p. 1.

*Parliament and the Succession Question in  
1562/3 and 1566*

WE owe not a little of the interest of Elizabethan parliamentary history to the spirited messages and speeches of the queen, and so it is as fortunate as it is unexpected to discover a neglected manuscript in the queen's own hand in the British Museum, which deserves a place with the best-known passages of the reign, both for its historical interest and the vigour of its style.<sup>1</sup> Its setting is in the struggle between Elizabeth and the house of commons in 1566 over the question of her marriage and the nomination of a successor. To Hallam 'the most serious disagreement on record between the crown and the commons since the days of Richard II and Henry IV',<sup>2</sup> this struggle is to us a premonition, one of the first and one of the clearest of which we have knowledge, of the great contest that was to follow in Stuart times. It was an important experiment in that apprenticeship to corporate action that the commons were serving during the Tudor period, and although few such experiments were then completely successful and some were apparent failures, even the failures contributed to the fund of experience which made the maturer action of Stuart parliaments possible. It is unsatisfactory that the fullest account of so important a session should be Froude's, with its errors and overstatements; and consequently I take this opportunity of reviewing the succession struggle in 1566 and its preliminaries in the session of 1562/3.

Elizabethans were for more than thirty years vexed by the fear that, at the death of the queen, the uncertainty of the succession and the contentions of rival parties would plunge the country into anarchy. Beginning in 1562/3 their agitation in parliament for the nomination of a successor was finally stifled by the imprisonment of Peter Wentworth in 1592/3, by which time arguments had led some, and dread of the queen's wrath had coerced others, into accepting her view that it was inadvisable to discuss or determine the matter. Even so, the fear still haunted

<sup>1</sup> Appendix, below, no. iii.

<sup>2</sup> *Constitutional History* (10th ed.), i. 251.

men, although it was denied expression in parliament; and it was as a tract for the times, and not as a posthumous tribute to the martyr of a dead cause, that Wentworth's *Pithie Exhortation* was published surreptitiously in 1598. Time, however, was the best solvent of the problem, and its working is evident even in the tenacious mind of Wentworth: so that ultimately the gloomy prophecies of thirty years were discredited, not by any apparent falsity of argument, but by the accident of the queen's long life.

The succession question in its later sense appears to have played no part in the first parliament of the reign, simply because members had every reason to hope that the queen would marry and provide an heir of her own body. Her failure to do so was, however, bound to lead to its discussion, and in court circles this had already happened<sup>1</sup> when in October 1562 she was struck down by small-pox. For a few days her life was despaired of, and the crisis revealed, as nothing else could have done, the peril of the state.<sup>2</sup> It was under the shadow of a great fear that her second parliament met in January 1562/3, suspicious of the queen's reluctance to marry, and probably convinced that the peace of the country hung upon the slender thread of a sickly woman's life.<sup>3</sup> In the house of commons, the very day after the presentation of their Speaker, a burgess spoke at length upon the succession, and at the next meeting 'divers wise personages' urged that a motion should be made to the queen upon this question and her marriage. On the following day a strong committee was appointed to draw up a petition, with the unusual inclusion of the Speaker as one of its members; and on 26 January the petition was read in the house and the privy councillors there were commissioned to arrange an interview with the queen. At the same time the comptroller was sent to the lords with the request that they would further the petition, returning to announce that they 'well approved of' it. The audience took place in the afternoon of 28 January.<sup>4</sup>

Here, however, we become entangled in a confusion that is as old as Camden, and into our narrative of events must be woven the correction of several errors. The session of 1562/3 saw the presentation of two petitions to the queen, the one by the lords, the other by the commons. Of this there can be no doubt. But not the slightest hint that the upper house petitioned Elizabeth is to be found in its journals, and, perhaps in consequence, Camden transferred the lords' petition of 1562/3 to the parliament of 1566, being followed in this by D'Ewes, whose persistent glosses to justify his action practically convict him of his error. The blunder was

<sup>1</sup> *Spanish Cal., Eliz., i, passim.*

<sup>2</sup> *Ibid. i, 296.*

<sup>3</sup> *Ibid. i, 262 f.*

<sup>4</sup> *Commons' Journals, i, 62-4.*



repeated by Froude, and was only set right, some years ago, by Dr. (now Sir George) Prothero,<sup>1</sup> whose arguments are convincing enough, although they ignore explicit statements by Cecil, Sir John Mason, and the Spanish ambassador, Quadra, which corroborate them.<sup>2</sup> However, it still remains to point out what has not yet been stated, that the suits of the two houses were made on separate occasions, the audience on 28 January being with the commons alone. This the queen's reply shows, for, despite Sir George Prothero's suggestion to the contrary, it must be identified with a speech addressed to the Speaker and the lower house, which is printed in Harington's *Nugae Antiquae*.<sup>3</sup> The audience with the lords was later, but when we do not know. The only account of it is given by Quadra, who wrote, 'The lords afterwards went to her and proposed the same' question of the succession. In her response she 'told them that the marks they saw on her face were not wrinkles, but pits of small-pox, and that although she might be old God could send her children as He did to Saint Elizabeth': 'they had better consider well', she urged, 'what they were asking, as, if she declared a successor, it would cost much blood to England.'<sup>4</sup>

As for Elizabeth's reply to the petition of the commons, it had been merely a postponement of her answer: 'I am determined, in this so great and waightie a matter', she had said, 'to deferr my aunswere till some other tyme. . . .'<sup>5</sup> Accordingly the house continued the business of the session in daily expectation

<sup>1</sup> *Ante*, ii. 742-4; Camden, *Annals* (ed. 1717), i. 124; D'Ewes, *Journals*, pp. 81 and 105; for glosses cf. pp. 104, 107; Froude, *Hist. of England* (cabinet ed.), vii. 456.

<sup>2</sup> Wright, *Queen Elizabeth and Her Times* (1838), i. 124, 130; *Spanish Cal., Eliz.*, i. 296.

<sup>3</sup> Harington, *Nugae Antiquae* (ed. 1804), i. 80; *ante*, ii. 745-6. Sir George suggested that this was the queen's speech delivered in 1566 (5 November); but the new report of the 1566 speech that I print below (p. 514), the date of which is established beyond doubt, definitely disproves his suggestion. The two speeches are totally different, Harington's being addressed to the commons only, and the 1566 speech to both lords and commons. The date of the speech in Harington is more or less fixed, if we accept as sound my allocation of other speeches of the queen to all occasions when such were delivered, with the exception only of the interview on 28 January 1562/3 (cf. *infra*, pp. 502, 505, 513, and footnotes in each case): and in fact the wording of the speech itself demands this date. I know of two manuscripts of the speech, the one in the British Museum (Add. MS. 33271, fo. 13), the other in the Record Office (State Papers, Dom., Eliz., xxvii, no. 36). The latter is headed '1563', and begins with the Speaker's name, Williams, above which is a comment in Cecil's hand, 'the spekar of the parliament'. Although there is some reason for thinking that this transcript was made after 1566, its date and Cecil's comment are significant. If we accept Williams's name in association with the speech—and I do not see how we can avoid doing so, as the British Museum manuscript also has it—then the session is settled as 1562/3. Sir George Prothero's difficulty was that, having rightly assigned to this session another speech, he did not realize that there were two answers of the queen in 1562/3, the one on 28 January (Harington's), and the other at the close of the session (see p. 502, n. 2, below).

<sup>4</sup> *Spanish Cal., Eliz.*, i. 296.

<sup>5</sup> Harington, i. 82.

of a definitive answer; but it was an ill-placed hope that demanded for its realization more skill in parliamentary tactics than they possessed. The line of action that they should have taken had already been suggested; for, if we may believe Quadra, before the presentation of the petition and perhaps when the subsidy bill was first mooted, there had been a motion 'that the successor to the throne should be declared before the supplies were voted': but in the face of much difference of opinion it had been ineffective.<sup>1</sup> The commons, therefore, failed to make use of their control of supplies, and in consequence the only step they took to hasten the queen's definitive answer was to send a reminder to her through the privy councillors on 12 February, the effect of which was to evoke a rebuke four days later, when she sent a message 'that she doubted not, but the grave Heads of this House did right well consider, that she forgot not the Suit . . . for the Succession, the Matter being so weighty, nor could forget it; but she willed the young Heads to take Example of the Ancients'.<sup>2</sup> And so, deprived by its own neglect of its one tactical advantage over the queen, the lower house was easily outmanœuvred. As a result it is to the lords that we must turn for what subsequent interest attaches to the question this session.

It is hard to believe that Elizabeth seriously thought of settling the succession, at least in any final sense. Apart from the difficulty of deciding the rival claims, the uncertainty was itself a diplomatic asset, whilst her experience of plots as the heiress of Mary had convinced her that the step could not be taken without danger to herself.<sup>3</sup> Certainly Cecil was without hope that anything would come of the agitation.<sup>4</sup> Nevertheless, on 28 March Quadra first reported to his master what on 3 April he declared to be 'a proposition . . . made on behalf of the Queen to the lords . . . to regulate the succession . . . by a public Act, reducing the right to succeed to four families, amongst which the Queen might nominate the person who appeared nearest and fittest to succeed her. They have been discussing this matter all the week', he continued, 'trying to discover some solution which will satisfy the needs of the nation, and at the same time fulfil the Queen's plans and keep the queen of Scotland in suspense.' In the meanwhile Lethington was defending the Scottish claim by threats of hostile alliances, and at length, so Quadra understood, 'in order to satisfy all these divergent interests', the lords

have agreed to pass an Act providing that in case the Queen dies no office, either judicial or in the household, shall become vacant, and twenty-

<sup>1</sup> *Spanish Cal., Eliz.*, i. 294.

<sup>2</sup> *Commons' Journals*, i. 65.

<sup>3</sup> See p. 515, below.

<sup>4</sup> Wright, i. 121, 124.

four councillors are appointed to administer the Government. Besides this, Parliament is notified that they must meet within thirty days (after the demise), and that not only are the peers and bishops, who are fixed members, to be summoned, but also the same deputies from the towns that have sat in the preceding Parliament.<sup>1</sup>

There is no corroboration of these reports to be found in the *Lords' Journals*; and indeed it is not surprising after their failure to record the petitioning of the queen: but that Quadra was substantially correct, at any rate in regard to the second act that he mentions, is proved by the survival in the State Papers of a clause, drafted by Cecil and endorsed, 'A clawse to have bene inserted in an act ment for the succession but not passed'. The opening and purport of it are as follows:

'And because it shall be very necessary beside the ordynary government of the realme by the pryncipall or ordynary officers above mentioned having authorite to conserv peace within the realme that there shuld remayne a Counsell of estate usually named a privee Counsell to consider and direct the publick affayres of the realme. . . . Be it enacted . . . that if the Q. Maiesty . . . shuld decess . . . without issew of hir body or before the tyme that any person shall be declared by authorite of parlement to be the leefull heyre or successor to hir Maiesty . . . ' the privy councillors at the time of her death shall continue as councillors along with such others as the queen shall name in her last will. All these shall continue as the council of estate till the day ' by proclamation to be made by authorite of parlement it shall be declared to whom of right the Imperiall crowne . . . ought to belong'. The council shall sit where it sat under Elizabeth and a quorum of ten, including certain specified officers, shall be necessary to transact business.<sup>2</sup>

There is no limitation of the council to twenty-four as in Quadra's report.

Nothing came of the act. It 'encountered so many difficulties that they dropped the proposal', wrote Quadra, according to whom the chief obstacle was the alarm of some of the pretenders who heard that Cecil contemplated including them amongst the twenty-four councillors, which would oblige them 'to come here and shut themselves up', where they would not be safe as on their country estates: 'they would be precluded from working in their own interests and could not justly be arbitrators on their own claims.'<sup>3</sup> It is surprising that the

<sup>1</sup> *Spanish Cal., Eliz.*, i. 315, 316-17.

<sup>2</sup> State Papers, Dom., Eliz., xxviii, no. 20. In this connexion it is of interest to compare a draft proviso in the State Papers (Dom., Eliz., clxxvi, no. 22) which was meant to have been added to the act for the queen's safety in 1584/5 (1584/5, cap. i. *Statutes of the Realm*, iv. i. 704-5). It provides for the constitution of a grand council in the event of Elizabeth's death by violence; for the meeting of parliament and of convocation, both as last constituted; for the settlement of the succession by parliament; and for the control of finance by a joint committee of both houses of parliament.

<sup>3</sup> *Spanish Cal., Eliz.*, i. 321.

suggestion of a partial limitation of the succession should be attributed by Quadra to Elizabeth, since she poured scorn on the idea in the following session.<sup>1</sup> But perhaps she regarded it only as a sop to Cerberus, which she was the more reconciled to throw, as it did not seriously affect her prejudice against a final settlement of the question.

On 10 April parliament was prorogued, and at the closing meeting in the parliament chamber the lord keeper read what was the definitive reply of Elizabeth to the petitions of both houses; if, indeed, that may be called definitive which was but a further evasion of the problem. It is the speech which begins, 'Since there can be no duer debt'.<sup>2</sup> The complete break-down of all efforts to effect some settlement of the succession can hardly have been pleasant to members of the lower house; but when this final and unsatisfactory answer came, supplies were voted and legislation completed, and it was impossible even to express disapproval. The only profit of the session of 1562/3 from their point of view was that its lessons were written large in its failure.

Corporate action is largely determined by tradition and experience, and consequently the events of 1566 cannot be adequately appreciated except by bearing in mind that the commons met in that year, not as a newly elected assembly, dependent for its cohesion upon a nucleus of former members, but as a body with the experience of a session behind it. As they themselves declared, their agitation in 1566 was merely the continuance of the suit begun in their earlier meeting:<sup>3</sup> and their part was played with

<sup>1</sup> *Infra*, p. 516.

<sup>2</sup> D'Ewes gives two versions of the speech, one very brief at the close of the session 1562/3, the other a fuller report which he assigns to the session 1566 (*Journals*, pp. 75 and 107). Hallam rightly pointed out that both reports were of the same speech, and then erroneously placed them in 1566 (i. 250 note). The problem was dealt with by Sir George Prothero and the speech correctly assigned to 1562/3 (*ante*, ii. 744-5). But its actual date needs to be stated more categorically, and the relation of the two versions to be made clearer. Now the shorter version in D'Ewes is from a Cotton MS. in the British Museum (Titus F. i, ff. 77-81), which is a report of the speeches and proceedings on 10 April at the close of the session of 1562/3. The speech in question is an integral part of the report, and therefore is dated by the whole account. It is there specifically stated by the lord keeper, Bacon, that he had asked the queen for this answer of hers in writing, so that he should make no mistake in delivering it (D'Ewes, p. 75 b). As for the fuller version of the speech, there are four manuscript copies in the British Museum, Cotton MS., Titus F. i, fo. 83, Harleian MS. 5176, fo. 97, and Add. MSS. 32379, fo. 21; 33271, fo. 2 b; and one (with an additional modern copy) in the Hatfield MSS. (*Hist. MSS. Comm., Hatfield MSS.*, part i, p. 272). The Add. MS. 32379 is a volume of transcripts from papers of Lord Keeper Bacon given to the transcriber by Anthony Bacon; and it is, therefore, most probable that the fuller version of our speech is the complete text read by Bacon in parliament. [Subsequent confirmation of this comes by my finding amongst the Burghley papers at the British Museum the original draft of the speech in the queen's hand, endorsed by Cecil, 'x aprill 1563. The Q. speche to the parlement uttered by the L. kepar' (Lansdowne MS. 94, fo. 30). It differs only in a few words from the fuller version in D'Ewes.]

<sup>3</sup> State Papers, Dom., Eliz., xli, no. 22.

a sense of its defective rehearsal in 1562/3. Moreover, the three and a half years which had passed since they last met had not weakened their case for the settlement of the succession. Whilst the summoning of the parliament had been in prospect only, its meeting had been coupled with the succession in the talk of the court:<sup>1</sup> and people were said to have thought—with a prescience that may have contributed to its partial realization—that the parliament would not vote the queen any supplies if she would not marry or proclaim a successor.<sup>2</sup> Already a pamphlet literature had begun to arise round the controversy,<sup>3</sup> whilst the birth of a son to Mary of Scotland three months before parliament met had intensified national and party interests. Under these circumstances it was a tactical blunder of Elizabeth's to summon the old house of commons. No doubt she was confident of being able to stifle any serious discussion of the succession, and did not foresee that the events of the last session, in providing grounds for distrust of her word, would lead in the new session to the prosecution of the suit in a different spirit. Nor did she foresee that individual members of the commons would be fortified from the outset by a knowledge of the overwhelming support of their assembly, a knowledge which, we may be sure, explains the confidence and pertinacity with which they resisted her express injunctions.

Whether the commons could give effect to their will or not depended upon the queen's need of supplies; and the skill with which they pivoted their manœuvres upon the subsidy bill showed that they had by now grasped the main principle of parliamentary tactics. Quite early in the session, on 17 October, the comptroller made the customary motion for supply and obtained the usual committee; and this, so far as we know, without opposition or complication.<sup>4</sup> But on the following day the policy for the whole session was suggested by Mr. Molyneux and the progress of the subsidy bill significantly linked with the revived suit for the succession.<sup>5</sup> The debate that followed was sharp. 'Some said', reported Silva, the Spanish ambassador, that the succession was the prime cause of calling them together, and should be one of the reasons for granting supplies; others that the succession should not be discussed until supplies were voted, as they thought it was disrespectful to seem to force the Queen in this way. The dispute went so far that on some of the members attempting to leave, saying it was too late to deal with so important a matter, others insisted that the door should be shut to prevent them from leaving, and so they came to blows.<sup>6</sup>

<sup>1</sup> *Spanish Cal., Eliz.*, i. 568, 571, 577, 578, 580.

<sup>2</sup> *Ibid.* i. 580.

<sup>3</sup> See Cotton MS., Calig. B. ix, ff. 250 and 280; also John Hales's tract, of which there are many copies in the British Museum, e. g. Harleian MS. 4666.

<sup>4</sup> *Commons' Journals*, i. 74.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Spanish Cal., Eliz.*, i. 589.

Sadler spoke, but in vain; and in the discussion which was resumed on the following day, Cecil, the vice-chamberlain, the chancellor of the duchy, and the comptroller intervened, telling the commons from Elizabeth that she was resolved to marry.<sup>1</sup> All failed to prevent the appointment of a committee to consider making suit to the queen in company with the lords. The lords were approached on 21 October, but they deferred their answer, and in the meanwhile probably approached the queen to discover what her attitude would be.<sup>2</sup> This at least would appear to be the meaning of the appointment of a committee to wait on the queen, which appears as an entry in the *Lords' Journals* under 22 October; for although the purpose of the audience is not mentioned, no other than this seems likely. If such an interview did take place, there can be no doubt that Elizabeth vigorously opposed their co-operation with the commons. No wonder then that she abused the duke of Norfolk and railed at those lords who intervened on his behalf,<sup>3</sup> when on 25 October<sup>4</sup> the upper house decided to join with the lower, the only dissentient, so Silva stated, being the lord treasurer. The committees of both houses got to work on 2 November, but arrived at no decision on that day.<sup>5</sup> They met a second time on 4 November, but the following morning there came a summons from the queen for a certain number of each house to meet her in the afternoon.<sup>6</sup>

What actually took place at the audience has remained a matter for some doubt. The difficulty has been that whilst parliament undoubtedly meant to petition the queen, no text or summary of the petition has been preserved. Camden, D'Ewes, and Froude give one, but, as already pointed out,<sup>7</sup> it is the petition presented by the lords in 1562/3. Sir George Prothero indeed threw out a suggestion that probably no petition was presented, pointing out that there was hardly time for the committees to draw one up and submit it to the two houses.<sup>8</sup> The committees could only have decided on their draft on 4 November, quite possibly in the afternoon; and naturally the journals contain no mention of a petition being before either house. But the argument need not rest here;

<sup>1</sup> *Commons' Journals*, i. 74-5. See reference to the event in Elizabeth's speech, *infra*, p. 515. Sadler's speech on this occasion is probably Brit. Mus., Add. MS. 33591, fo. 8.

<sup>2</sup> *Commons' Journals*, i. 75; *Lords' Journals*, i. 635.

<sup>3</sup> *Spanish Cal., Eliz.*, i. 591-2. Cf. Froude, vii. 455, where there is not the strictest fidelity to Silva's account, at least as we have it in the calendar.

<sup>4</sup> *Commons' Journals*, i. 75, whose date, 25 October, I take rather than 26 October, as in the *Lords' Journals*, i. 638, because the former record was at this time written in its finished form during the actual proceedings in the house. (See my article 'The Commons' Journals of the Tudor Period', in *Trans. Roy. Hist. Soc.*, 4th series, vol. iii.)

<sup>5</sup> *Commons' Journals*, i. 76; *Spanish Cal., Eliz.*, i. 593.

<sup>6</sup> *Commons' Journals*, i. 76.

<sup>7</sup> *Supra*, p. 498.

<sup>8</sup> *Ante*, ii. 744.

and we can pass beyond the mere conjecture and establish it as the truth. It is clear from the wording of the reports of Elizabeth's speech at the audience, that the summons to it was an anticipation of the petition which was being prepared;<sup>1</sup> whilst it also appears that the thirty members of the house of commons who were present were especially annoyed because they had not their speaker with them and were therefore voiceless.<sup>2</sup> We must regard the audience as an astute counter-move of the queen's. She thereby escaped the awkward necessity of replying to weighty arguments presented in the concrete form of a petition, and made her speech for the defence without allowing the prosecution to state its case. Private interviews with the leading nobility had probably already shaken their determination,<sup>3</sup> and the substantial promises in her speech were calculated to reassure the lords and so break up that combination of both houses which, as she herself complained, by isolating her threw upon her the full odium and peril if she refused or delayed assent to their suit.<sup>4</sup> Regarding the events of 5 November in this light, the subsequent action of the commons is readily understood.

As for Elizabeth's speech at the audience, Silva has a highly dramatic account of it, which by the very qualities that should arouse suspicion has obscured its true character.<sup>5</sup> None knew better than she how to temper reproof with conciliation—or, we perhaps should say, how to temper conciliation with reproof. And the more sober account of the speech which Cecil gave to the house of commons on 6 November is at least a necessary antidote to Silva's.<sup>6</sup> I print below a new report of the speech, the fullest we have, and the only one free from any partisan bias.<sup>7</sup> Taking this in conjunction with Silva's report and Cecil's draft accounts in the State Papers, it is evident that if the queen's speech was something of a rating for her hearers, it was also a defence of her own policy. Both able and clever, it also offered

<sup>1</sup> Cf. 'She tooke knowledg of the petition that was to be made to hir . . .' (State Papers, Dom., Eliz., xli, no. 9); 'the matter wherof as I am enformed they would haue made their peticion . . .' (*infra*, p. 515).

<sup>2</sup> *Infra*, p. 517.

<sup>3</sup> Cf. *Spanish Cal., Eliz.*, i. 592-3.

<sup>4</sup> State Papers, Dom., Eliz., xli, no. 7.

<sup>5</sup> *Spanish Cal., Eliz.*, i. 594. Cf. Froude, vii. 458 f.

<sup>6</sup> State Papers, Dom., Eliz., xli, no. 9. No. 8 consists of heads of the speech noted down by Cecil. No. 7 is a report, endorsed 'this was not reported', and it is evident that Cecil recast it into the more moderate report of no. 9. Nevertheless Froude makes Cecil deliver report no. 7 in the house, despite its endorsement (Froude, vii. 461).

<sup>7</sup> *Infra*, p. 514. There is also a fragment in Elizabeth's hand, a draft opening of this speech (State Papers, Dom., Eliz., xli, no. 5). Froude prints it (vii. 458), and assumes that Elizabeth actually read from it: but the fact that it is a fragment rather indicates that it was a preliminary draft which she began, but then discarded. Perhaps second thoughts moderated it slightly. It is interesting to compare it with the report that I print, which shows that she retained at least one of its figures of speech (*infra*, p. 514).

concessions as substantial as a prince's word. But the house of commons which had sat in 1562/3 had little reason to credit the promises of a prince, and when Cecil delivered his report of the speech, studiously moderate as it was, an ominous silence supervened.<sup>1</sup> The dissatisfaction, intensified as we may imagine by the queen's manœuvre, found expression two days later in Mr. W. Lambert's motion for iteration of the succession suit. But this merely evoked a royal veto on further discussion of the subject. Thereupon at the next meeting on 11 November, Paul Wentworth turned the question into one of privilege.<sup>2</sup> If we may accept a manuscript in the State Papers as referring to this occasion, and there is little doubt we may, he put three questions before the house, concerning the legitimacy of the queen's inhibition, the authority of the three privy councillors who conveyed it to the house, and the right of individual members to voice opinions, even if erroneous ones, on the nature and extent of their liberties.<sup>3</sup> Radical in conception, we may probably regard them as the precedent and model for the more famous questions of Peter Wentworth in 1586.<sup>4</sup> But Paul was more fortunate than his brother, and his action stimulated a debate which, lasting from 9 a.m. till 2 p.m., was adjourned at that late hour until the following day.<sup>5</sup>

So impressed do the privy councillors appear to have been by the temper of members that they are said to have urged the queen to allow the commons free discussion, pointing out that the confirmation of their acts rested with her.<sup>6</sup> Elizabeth, however, would not yield, although she did avoid the double irritant of sending a second message through the privy councillors. The speaker was sent for before the adjourned debate could be resumed, and a new inhibition was launched through him.<sup>7</sup> Peremptory and threatening, it probably excited fierce discussion, for the journal records no normal business that day; and by 15 November a committee was at work, charged, so Silva declared, 'to consider what course should be taken'.<sup>8</sup> The 'insolence of these heretics, and their hankering after liberty in everything', the ambassador told his master, was 'greatly disgusting the Queen'.<sup>9</sup> The committee decided to draw up an address, and three successive drafts of it, amended by Cecil, are to be found in the State Papers.<sup>10</sup>

<sup>1</sup> *Commons' Journals*, i. 76.    <sup>2</sup> *Ibid.*    <sup>3</sup> *State Papers, Dom., Eliz.*, xli, no. 16.

<sup>4</sup> *D'Ewes, Journals*, p. 411.

<sup>6</sup> *Commons' Journals*, i. 76.

<sup>5</sup> *Spanish Cal., Eliz.*, i. 597.

<sup>7</sup> *Commons' Journals*, i. 76-7.

<sup>8</sup> *Ibid.*; *Spanish Cal., Eliz.*, i. 597-8. See also n. 10, below.    <sup>9</sup> *Ibid.* p. 598.

<sup>10</sup> *State Papers, Dom., Eliz.*, xli, nos. 20, 21, and 22. The second draft is endorsed 15 November, and the third 16 November. To Froude (vii. 464) the amendments by Cecil, which happen to stress the liberty of parliament, appear to reflect Cecil's own opinions. I think it an unwarranted conclusion, for in all probability Cecil presided over the committee and the amendments are those decided on in committee and added to the address by him at its behest.



Firm, if submissive in tone, it began by dwelling in 'few wordes' upon 'a matter of gretest moment' to themselves, their singleness of motive and good faith. They urged the queen to accept this testimony of theirs rather than 'any other coniectures, which in such cases by misreporting or mistaking of speches' might stir up and nourish in her mind doubtfulness of their meaning. Proceeding then to thank the queen for her promise to marry, they fixed the promise by repeating it, and added a prayer to God to hasten its fulfilment. Their next concern was to express their disappointment that she had decided against the immediate settlement of the succession, which they did with care: but the most was made of her promise to accede, if and when the opportunity presented itself, and this was to be determined by the interests of her realm rather than of her person. Here also the aid of God was invoked. The final section of the address dealt with the queen's inhibitions. They imported, so the committee declared, that the commons 'deserued as it were to be deprived or at the least sequestred', much to their discomfort and infamy, 'from an ancient laudable custome allways from the beginning necessarily annexed' to their assembly, 'a lefull suffrance and dutifull liberty to treate and devise of matters' honourable to the queen and profitable for her realm. They had been 'in some sort informed' that the queen had not meant to diminish their accustomed liberties, and were persuaded that if she should find in them 'no lack of duty in receauing' her answers obediently, she would withdraw all signification of misliking. Declaring that prior to her first message they had come to no conclusion to proceed further in the suit against her will, they asked that they might continue in their humble duty 'without the burden of any unnecessary, unaccustomed or undeserued yoke of commandement'.<sup>1</sup>

The address was never presented: why, we do not know. Our authorities fail us at this point, and the *Commons' Journals*, still cramped by the primitive ideas of their originator, John Seymour,<sup>2</sup> neglect even to mention the committee that had prepared the address. The problem is still further confused by an error of Froude's, and this it must be our first concern to set right. On 22 November a motion was made in the commons against corrupt and wicked books from beyond the sea, and John Dalton, seeing in the house at that moment a copy of Patrick Adamson's recent poem<sup>3</sup> in which the child, James of Scotland, was styled prince of England, declaimed against it indignantly, and perhaps indiscreetly. At any rate, Robert Melville,<sup>4</sup> Mary of

<sup>1</sup> State Papers, Dom., Eliz., xli, no. 22.

<sup>2</sup> See *Trans. Roy. Hist. Soc.*, 4th series, vol. iii, *ubi supra*.

<sup>3</sup> See *Dict. of Nat. Biog.* i. 112.

<sup>4</sup> Melville is called Melvyn in the State Papers and in Silva's dispatches.

Scotland's agent in London, lodged information against him before the privy council, charging him with impugning the Scottish title to the succession. To this charge Dalton put in his reply, copies of both surviving amongst the State Papers.<sup>1</sup> Three days after Dalton's speech Elizabeth retracted her veto on freedom of discussion in the commons.<sup>2</sup> Her decision was conveyed to the house by a message of which a draft is extant, written by Cecil and amended by the queen; and to this is attached an important foot-note. It reads: 'This manner of answer hir Maiesty hath thought best without any furdur answer to the request that hath bene made to have leave to conferr upon the libertyes of the howse, for as much as therof must nedes have insued more inconvenience than wer mete.'<sup>3</sup> At once we are puzzled as to what request this was, and why it was made. For Froude there was no problem. It was the commons' reply to the seizure of Dalton. Having been told of his speech, he wrote, the queen 'chose to believe that the House of Commons intended to defy her; she ordered Dalton into arrest and had him examined before the Star Chamber; she construed her own orders into a law, and seemed determined to govern the House of Commons as if it was a debating society of riotous boys'. In consequence, 'The original question of the succession was lost in the larger one of privilege, and the address which they had previously drawn seemed no longer distinct enough for the occasion'.<sup>4</sup>

But Froude has had to deal in cavalier fashion with his authorities to reach these conclusions. The problem is one of dates. Cecil's draft of the queen's message is endorsed by him 24 November, which we may regard as correct since the message itself was delivered the next day. Now 24 November was a Sunday, and therefore the very latest date which we can assign to the motion of the commons for leave to confer upon their liberties is 23 November, the day following Dalton's speech. But the date endorsed on the copy of Melville's complaint is 24 November. If we accept this as correct it would fix Dalton's reply to it as either later that day, or more probably on some subsequent day; and here we are supported by the endorsement of 26 November on a draft message to the commons written by Cecil in the name of the queen and on behalf of the privy council:

<sup>1</sup> State Papers, Dom., Eliz., xli, nos. 28 and 29.

<sup>2</sup> *Commons' Journals*, i. 78.

<sup>3</sup> State Papers, Dom., Eliz., xli, no. 30. There is another and different text of the message in the State Papers, perhaps a draft suggested by Walsingham, for the hand is similar to his. The original is wrongly dated in vol. xxvii, no. 45, and there are two transcripts in vol. xli, nos. 15 and 31, of which the former has a note 'One of Sr. Fr. Wals Secyes (I take it)'. We may safely assume that Cecil's was the draft actually used.

<sup>4</sup> Froude, vii. 467.

confronted by Dalton's denial of the words alleged against him, they had resolved to elicit the truth from the house itself.<sup>1</sup> Obviously if the charge against Dalton was lodged on 24 November only, and if even on 26 November it was not certain that he had committed the offence, his case cannot be connected with the new request of the house of commons. Nor was Silva conscious of any connexion. He not only fails to link the two, but he actually refers to Dalton's speech as subsequent to the queen's message, which, whilst an error in itself, yet shows that the two events were clearly dissociated in his mind.<sup>2</sup> Froude, indeed, makes Dalton's case more serious than it really was, by a totally unwarranted assumption that he was arrested; and his 'release', a term equally unwarranted, is made to precede the queen's raising of her veto, although the document it is based on<sup>3</sup> is dated two days later. Silva, it is true, asserts that Elizabeth promised Melville she would punish Dalton and make him withdraw his statement 'as soon as supplies were voted'.<sup>4</sup> But supplies were not yet voted: nor did the commons seem to be in haste to vote them. And when on 27 November, after asking Leicester 'what dalton had donne and what order was taken', she ordered that the proposed inquiry in the house of commons concerning the words he had used should be stayed 'and not procede further to any questyone or tryall', she was probably tacitly admitting that the susceptibilities of the commons had become too intimately connected with the progress of the subsidy bill to make it wise to pursue Dalton's case any further.<sup>5</sup>

Froude's conclusions are untenable. And yet they had the merit of solving an awkward problem. To abandon them is to be confronted again with that foot-note to the queen's message, and with what it appears to imply, a change of tactics after Saturday, 16 November, in consequence of which the proposed address to the queen was abandoned. Can it be that Elizabeth launched some new inhibition, for she must have known what was afoot when the committee on the address was sitting? If so, there is not the slightest hint of it anywhere: and in view of Silva's statement that the privy councillors were opposed to the former veto, it is probably safer not to postulate a further infringement of the liberties of the house. It may be, however, that there is no need to assume any vital change of tactics. If we can impose on Silva's casual reports a strict interpretation, the committee which drew up the address received only a general charge, 'to consider what course should be taken'.<sup>6</sup> The decision

<sup>1</sup> *Hist. MSS. Comm., Hatfield MSS.*, part i, p. 341; Haynes, *Burghley State Papers*, p. 449.

<sup>2</sup> *Spanish Cal., Eliz.*, i. 599.

<sup>3</sup> *State Papers, Dom., Eliz., addend.*, xiii, no. 39.

<sup>4</sup> *Spanish Cal., Eliz.*, i. 599.

<sup>5</sup> *State Papers, Dom., Eliz., addend.*, xiii, no. 39.

<sup>6</sup> *Spanish Cal., Eliz.*, i. 597-8.

to address the queen was its own. If it submitted its final draft to the house on Monday, 18 November, or on some subsequent day, the necessity must then have arisen of obtaining access to the queen. After all, it was easy enough to prepare an address, but its presentation was not thereby assured. The address touched on three subjects, the queen's marriage, the settlement of the succession, and the alleged breach of the commons' liberties. Although in the case of the two former the house was merely acknowledging Elizabeth's speech of 5 November, yet by innuendo there was a reiteration of the succession suit. Clearly no audience could be sought on these grounds: a double veto prevented such action. Only the third, the breach of liberties, could be urged; but if this was to be the reason for approaching the queen, then a question of procedure must have arisen. It was the queen herself who had committed the supposed breach, and one can well imagine that the ministerial, and perhaps the moderate legal, element in the house urged that her consent to discussing the question should first be sought, before presenting her with an address condemning her actions, in however humble language. There is at least this merit attaching to the suggestion, that it avoids our assuming an important tactical change for which we have no evidence. On the other hand, it is quite possible that the committee suffered a defeat in the house, its address was abandoned, and a new line of action was taken involving a request by the house for leave to confer on its liberties.

In effect the request forced the queen either to give way, or to dissolve the parliament and lose her supplies. Two ways of placating the commons were open to her. The one was to accede to their request, the inconveniences of which were obvious. The other was to raise her veto. This she did, although 'An addition' to the draft message wisely ordered the Speaker to silence any member who might thereafter directly or indirectly deal with any particular title to the succession.<sup>1</sup> Her voluntary surrender, when surrender had clearly become a necessity, was a wise move of Elizabeth's, for it cancelled anything in the nature of the proposed address, with its inconvenient references to marriage and the succession. Moreover, it probably went far to pacify the more moderate section of the house, and the generosity of allowing them freedom to continue their discussions perhaps operated as a challenge to their own sense of chivalry to rely on her good faith and rest content with her promises made on 5 November. After all, the draft address showed that they were ready to do this under the compulsion of her disapproval. Silva reported at this time, 'It is believed that an arrangement has been made that they shall refrain from further considering the succes-

<sup>1</sup> State Papers, Dom., Eliz., xli, no. 30.

sion, and will content themselves with vindicating the freedom of Parliamentary discussion'.<sup>1</sup> And W. Lambert, who played a prominent part in the struggle, wrote in later years how after the raising of the veto 'uppon consultacion amongst them selues, they spared to proceede anie further therein'.<sup>2</sup>

Yet whilst moderate counsels were evidently strong enough to restrain the house from immediately taking up the suit where it had been stayed by the queen's veto, it would be an error to think that there was general contentment. Twice the queen had forestalled them in an attempt to express their wishes, once in the petition, and the second time in the address, if we conclude that they had intended to go forward with this: and events were soon to reveal that they had not yet abandoned the desire to leave some record of their suit. Had there been an overwhelming revulsion of feeling in favour of the queen, there can be little doubt that the house would have at once revived the subsidy bill, which had lain derelict since its first reading on 28 October.<sup>3</sup> But 25 and 26 November passed without its reappearance. It emerged for a second reading on 27 November, but on the same day the queen notified her remittance of the third payment of the subsidy already provided for in the bill.<sup>4</sup> We are left to guess whether the remittance caused the revival of the bill or not, and what the motives of the queen were in forgoing part of her supplies. In Cecil's diary it is stated that Elizabeth 'did remit a Part of the Offer of a Subsidy by the Commons, who offred largely, to the end to have had the Succession stablished'.<sup>5</sup> But if this is anything more than a statement of the fact that they had used the bill, if not as a bribe, then as a weapon, to extort the desired concession, it is probably wrong. The commons did not offer largely. The supplies had been rated at one fifteenth and tenth and a subsidy,<sup>6</sup> less, therefore, than the normal grant; and the two members were surely right who protested at an implication in a draft preamble 'that the Commons granted more than Her Majesty wished to receive'.<sup>7</sup> We can advance it tentatively only, but it seems the best explanation of the queen's renouncing what she could ill afford to lose, that the remittance was made in order to revive the subsidy bill and to tilt the scale of opinion in the house, already inclining that way, definitely in her favour. She had surrendered on the matter of freedom of

<sup>1</sup> *Spanish Cal., Eliz.*, i. 598.

<sup>2</sup> Add. MS. 5123, ff. 10 b-11 a.

<sup>3</sup> *Commons' Journals*, i. 75.

<sup>4</sup> *Ibid.* i. 78; e. g. on personality this meant a remission of 10d. in the pound, the two remaining payments being 1s. and 10d. respectively (*Statutes of the Realm*, iv. i. 507).

<sup>5</sup> Murdin, *Burghley State Papers*, p. 762.

<sup>6</sup> *Commons' Journals*, i. 75.

<sup>7</sup> *Hist. MSS. Comm., Hatfield MSS.*, part i, p. 341.

discussion: she now sacrificed a substantial sum of money. In her message to the house flattery tried to outbid generosity;<sup>1</sup> and that the gesture might be perfect, on the same day she stayed all further proceedings against Dalton.<sup>2</sup> She had stooped to conquer.

The stroke was masterly, but if Elizabeth thought she had heard the last of marriage and the succession, she was deceived. The fact that they had not succeeded in getting their suit into writing must have rankled in the minds of members. Accordingly, two days after the resurrection of the subsidy bill, they hit on the ingenious idea of incorporating the queen's promises in a preamble to the bill. She would thus be compelled in assenting to supplies to reassert her promises in the most solemn manner, and the preamble would both remain of record and go forth to the country as a binding pledge and as substantial proof of the work of the session.<sup>3</sup> The leaders in this new move included Monson and Bell,<sup>4</sup> and it is probable that a committee, perhaps the committee dealing with the bill itself, undertook the drafting of the preamble. The preamble consisted of three sections, the first thanking the queen for her remittance of part of the subsidy, the second and third reasserting and thanking her for her promises regarding her marriage and the succession: and as the address prepared a fortnight previously may be regarded as a reiteration of their unrepresented petition, though in a form modified to suit the circumstances, so the preamble may be viewed as a revival of the address, though considerably amended owing to subsequent events. Cordell, the master of the rolls, probably drew up the first model,<sup>5</sup> and three consecutive drafts of it survive in the State Papers, with Cecil's amendments, no doubt made at the behest of the committee.<sup>6</sup> But this first model was rejected and a new one substituted, the draft of which is amongst the lords' manuscripts.<sup>7</sup> The two have practically no common basis, except in subject, and the second was probably drafted by a private member. It is not obvious why the first was abandoned, but perhaps we may see a clue in the third section relating to the succession, where in the later model, as in the old address, the queen is reminded that the surety of her people rather than of herself is to determine the time for nominating her successor.<sup>8</sup>

<sup>1</sup> Cf. *infra*, pp. 517-18, and D'Ewes, p. 115 b.

<sup>2</sup> *Supra*, p. 509.

<sup>3</sup> In 1628 there was a suggestion, of interest in this connexion, to make the Petition of Right a preamble to the subsidy bill. Referred to in Relf, *The Petition of Right*, p. 55.

<sup>4</sup> Cf. *Hist. MSS. Comm.*, *Hatfield MSS.*, part i, p. 341.

<sup>5</sup> Cf. *ibid.*

<sup>6</sup> State Papers, Dom., Eliz., xli, nos. 40, 41, 41 a. Heads for the preamble are in vol. xl, no. 90.

<sup>7</sup> Printed below, p. 517.

<sup>8</sup> *Infra*, p. 518.

A further draft of the preamble, of which only the third section is now extant, but which is, I take it, an amended version of the second model, makes this point clearer: and it further incorporates one other of the features of the abandoned address in its affirmation of the purity of motive behind the agitation of that session.<sup>1</sup> The greatest interest attaches to this partial draft, for it proves, what has hitherto been doubtful, that the queen saw the preamble. It is the final page of a copy that was submitted to her, and at the foot of it she has expressed her feelings in inimitable and emphatic manner.<sup>2</sup> Her displeasure was evidently conveyed to the house before the offensive preamble was formally read, and thereupon the attenuated substitute was adopted which can now be read in the *Statutes of the Realm*,<sup>3</sup> and which in its threefold division and its topics alone hints at its doughty parentage. So at least it would seem, for the subsidy bill was read as a whole for the third time on 12 December, and therefore the preamble which on 10 December was read a first and second time was doubtless the substitute. The 'long arguments' with which the phlegmatic Seymour distinguished these two readings in the journals commemorate the stubbornness with which the intransigents gave way.<sup>4</sup>

The subsidy bill passed in the lords on 18 December,<sup>5</sup> and on 2 January Elizabeth dissolved one of her most troublesome parliaments. It was fitting that to such a drama there should be an epilogue; and before the dissolution was pronounced the queen herself addressed the parliament. Her speech has hitherto been known only at second-hand from a report of it printed in D'Ewes's *Journals*;<sup>6</sup> but a draft in her own hand is in the British Museum,<sup>7</sup> and a transcript of it is printed *in extenso* in the *Hatfield Manuscripts*, although wrongly dated there.<sup>8</sup> It reveals once more the extraordinary ability of Elizabeth to reprehend and yet to conciliate, to play the prince and yet to identify herself with the welfare of the realm. 'Who is so simple', she exclaimed,

that doutes whither a prince that is hed of all the body may not commaund the fete not to stray whan the[y] wold slip? God forbid that your liberty shuld make my bondage or that your lawful liberties shuld any wais haue bine infringed. no no, my comandement tended no whit to that ende:

and at the close of the speech,

Let this my displing stand you in stede of sorar strokes neuer to tempt to far a princes paciens and let my comfort pluk up your dismayed sprites

<sup>1</sup> *Infra*, p. 519.

<sup>2</sup> *Infra*, pp. 519-20.

<sup>3</sup> *iv. i. 505-6.*

<sup>4</sup> *Commons' Journals*, i. 79.

<sup>5</sup> *Lords' Journals*, i. 660.

<sup>6</sup> pp. 116-17.

<sup>7</sup> Cotton Charter, *iv. 38 (2)*.

<sup>8</sup> part xiii, pp. 214-15.

and cause you think that in hope that your folowing behaours shall make amends for part of the erors, you retorne with your princes grace, whose care for you doubt you not to be suche as she shall not nide a remembrancer for your wele.<sup>1</sup>

Thus beneath the truculence and petulance of the queen which are so evident in her early handling of the commons, her talks with the Spanish ambassador, and her comment on the preamble, was a sound common sense that enabled her to steer safely through dangerous waters: and the raising of her veto, the sacrifice of money, the relinquishing of any intentions to punish Dalton or other members, constituted the price she paid, readily or reluctantly, for avoiding a parliamentary crisis on the subject of the succession. The result was a victory for her: but it was not a crushing defeat for the commons. J. E. NEALE.

## APPENDIX

## I

The following manuscript is one of four parliamentary transcripts in a late sixteenth-century hand. There is no date indicated on it, but comparison with a fragmentary draft in Elizabeth's hand and three reports by Cecil, all four of which are amongst the State Papers, as also with one of Silva's dispatches given in the *Spanish Calendar*, leaves not the slightest doubt that it is a report of Queen Elizabeth's speech to a select number of lords and commons on 5 November 1566.<sup>2</sup>

Brit. Mus., Stowe MS. 354, ff. 18 a-19 a.

The Queenes maiesties answeare to the comon house touching her mariage and the limiticion of succession.

If that order had beene obserued in the begininge of the matter and such consideratione had in the prosecutinge of the same as the grauitie of the cause had required the successe therof might haue beene taken other wise then now yt is. but those unbridled persons whose mowth was neuer snafled by the rider did rashlie rid[e] into yt in the common house of publicke place wher m<sup>r</sup> Bell with his complayces aleaged they wear naturall English men and wear bound to ther country which they sawe must needes perrish and come to confusion unlesse some order weare taken for limitacion of succession of the crowne and further to help the matter must needes preferr their speach to the upper house to haue you my Llordes consent with them whearby you wear seducted of and of simplicitie did assent unto yt which you would not haue done if you had foreseene before consideratly the importance of the matter. so that their was no malice in you and so I do ascribe yt ffor we thinke and knowe

<sup>1</sup> Brit. Mus., Cotton Charter, iv. 38 (2).

<sup>2</sup> Cf. *supra*, p. 505 and foot-notes. In transcribing this and the following manuscripts, I have extended the contractions, including 'ye' and 'y'. Editorial amendments or additions other than extensions and punctuation are enclosed in square brackets.



you haue cause to loue vs considering our mercifu[l]nes shewed to our Subiectes since our reigne. But therin Sr *Domine Doctors* with ther longe orations sought to pirswad you also with solmne matters, As though you my Lordes had not knowne that when my breath did fayle me I had beene dead unto you and then dieinge without Issue was [?] what] a daunger wear that to the whole state, which you had not knowne before they tould you. So that yt was easie to be seene *quo oratio tendit*, for they that should be stoppes and stayes of this great good and auoiding so manie daungers and perilles, howe euill willinge might they seeme so to agree the cause against me. Was I not borne in this realme? wear my parentes borne in any foreigne country? is their any cause that should alinate my selfe from being carfull ouer this country? is not my kingdome heare? whome haue I opressed? whome haue I enriched to others harmes? What tormoy haue I made to this common welth that I should be suspected to haue no regard of the same? How haue I gouerned since my reigne? I wilbe tryed by enuy yt selfe. I need not to use many wordes, for my deedes do try me. Well the matter wherof as I am enformed they would haue made their paticion consisteth in 2 poyntes, In my marriage and the limitacione of the crowne, wher in my mariag was first placed for manners sake.<sup>1</sup> I sent them awnswere by my counsell I would marry although of my owne disposicione I was not inclined therto. But that was not accepted nor credited although spokenn by ther prince. And yet I use[d] so many wordes that I could say no more and wear yt not nowe I spake these wordes I would neuer spake them againe. I will neuer breake the word of a prince spoke in a publique place for my honors sake and therefore I say againe I will marry as son as I can con[v]eiently if God take not him awaye with whom I meane to marry or myselfe or ells some other great lett happenn. I can say noe more except the party wear present and I hope to haue childrenn other wise I would neuer marry. a strange order of peticiones that will make a request and cannot other wise be asserted but by their princes word and yet will not beleieve yt when yt is spoken. But they I thinke that moue the same wilbe as ready to mislike with whome I shall marry as they ar nowe to moue yt, and then yt will appeare that they neuer ment yt. I though[t] they woud haue been rather readie to haue giuen me thanks then to haue made a new request for the same. Ther haue been some that (ear [i. e. ere] this) haue said to me they neuer required more then that they once might heare me say I would marry. Well ther was neuer so great a Treasonn but might be couered under as fayer a pretence. The second poynt was the limitacion of sucesiones of the crowne, wher in was nothing said for my safty but only for themselues. A strang thinge the foot should direct the head in so wayty a cause which cause [has] been so diligent wayghed by us for that yt toucheth us more then them. I am sure ther was none of them that was euer a second personn as I haue been and haue taste[d] of the practizes against my sister who I would to God weare alieue againe. I had great occationes to harken to ther motsiones of whom some of them ar in the common house.

<sup>1</sup> Note that the full stop, which is not in the manuscript, would alter the sense if put after the word 'placed'.

but when frindes fall out the truth doth appeare accordinge to the ould prouarbe, and wear yt not for my honor ther knauery should be knowne. Ther wer occasione in me that tyme I stood In daunger of my lyfe my sister was so insensed against me : I did diferr from her in religione and I was sought for diuerse wayes. so shall neuer my Successor bee. I haue conferred before this tyme with them that ar well lerned and haue asked ther oppiniones touchinge the limitacion of successione, who hath been silent ; not that by ther sillence after lawelyke mannor they haue semed to assent unto yt, but that indeed they could not tell what to saye consideringe the perrill to the realme and most danger to my selfe. But now the matter must needes goe uery trymely and plasantly when the bowle runeth all on the one side and alas not one amongst them all would answeare for us but all the speaches wear for the suertie of ther country. They would haue xiii or xiiii limited in successione and the mor the better and those shalbe of such uprightnes and so deuine as they shalbe dyuinitie it selfe. Kinges wear wont to honor Philosophers, but if I had such I would honor them as angells that should haue such puerty in them that they would not seeke when they ar the second to be the firste and when they ar third to be the second &c. It is sayd I am no deuine. Indeed I study[d] nothinge ells but deuine till I came to the crowne and then I gaue my selfe to the study of gouernment as was meet for me and I am not Ignorant of histories wherin hath appeareth what hath fallen out for ambitione of kingdomes as in *Spaine Naples Portugall* and at home and what cockinge hath been betweene the father and the sonne for the same. you would haue a limitacion of Successione. Truly if reasonn did not subdue will in me I would cause you to deale in yt, so pleasant a thinge yt should bee unto me. but I stay yt for your benefitt for yf you should haue libertie to treat of yt ther be so many compitores [competitors], some kindffolke some seruante some tenantes some would speake for ther master some for ther mistris and euery man for his frend, That yt would be an Occasion of a greater charge then a Subsidie. And if my will did not yeld to reasonn yt should be the thinge I would gladlie desire to se you deale in. Ther hath beene error : I will not say errors for they wear to many in the proseeding in this matter. but we will not Iudge that these attemptes were done of any hatred to our personn but euer for lacke of good fore sight. I doe not maruell thought [though] with you my Llordes two of the Bishoppes did misuse them selues ther in, sithens after my Brothers death two of them openly preached and set forth that my sister and I was Basterdes : wel I wish not the death of any man. But only this I desire that they which haue been the Practizer ther in, may be<sup>1</sup> before ther deatnes repent the same and shew some open confessione of their faulte wher by the scabbed [? scabbed] shipe may be knowne from the whole. As for myne owne part I care not for death, for all men are mortall and though I be a woman I haue as good a courage aunswerable to my plac[e] as euer my ffather had. I am your anoynted *Queene*. I will neuer be by uiolence constrained to do any thinge. I thanke God I am endued with such qualities that if I weare turned out of the Realme in my peticote I wear able to liue in any place in christome. Your peticion

<sup>1</sup> ? omit the word 'be'.

is to deale in the limitacione of Succesione. at this present yt is not conuenient nor neuer shalbe without some perrill unto you and certaine daunger unto me. but were yt not for your perrill at this tyme I would giue place not withstandinge my daunger. Your perrills ar sundry wayes, for some maye be touched who rest now in such tearmes with us as yt is not meet to be disclosed ether in the common house or in the upper house. But as sone as they maye be in conuenient tyme and that may be done with lese perrill unto you, although neuer without great daunger unto me, I will deale ther in for your safetie and offer yt unto you as your Prince and Head without request, for yt is monstereous that the feet should direct the head. And therefore this is my mind & answeare which I would haue shewed in the two houses. And for the doeing ther of you my Lord cheefe Iustes are meetest to doe yt in the uper house And you *Cecill* in the nether house. And ther with speakeinge of the speaker that the lower house would haue had ther speaker ther, wher in they did not consider that he was not ther to speake; Shee said she was a speaker indeed and ther ended.

## II

The following manuscript is a draft of what in the foregoing article I have called the second model of the preamble to the subsidy bill proposed by the commons in 1566.<sup>1</sup> It is written on paper in the regular manner of bills in their first stages, and is now amongst the lords' manuscripts at Westminster. Like two other manuscripts in the same bundle, it is essentially a commons' manuscript, which was probably overlooked—and so preserved from the fire of 1834—when in January 1657/8 the commons' manuscripts were separated from the lords' after a period of joint custody.<sup>2</sup> I print it because the preamble, as finally decided on in committee and shown to the queen, was based on this model, and we have no other complete text: furthermore it contains an interesting *résumé* of the flattering message which accompanied the queen's remittance on 27 November of a third of the subsidy which the commons intended to grant. The manuscript is endorsed, 'The preamble to the Subsidye Vacat quia noua'.

We your maiesties most humble subiectes hauing an uniuersall full intention to yeld unto your most excellent maiestie some portion by waye of a Subsedye to the relief of your maiesties great and extraordinary charge susteyned in the defence of your realmes and dominions against many extraordinary dangerous attemptes evidently seene: before we do present the same are prouoked to accompany or rather to sett before it our most humble thankes to your maiestie for three speciall thinges besides a great many of others proceeding from your maiestie in this our assembly.

<sup>1</sup> *Supra*, p. 512.

<sup>2</sup> Cf. *Trans. Roy. Hist. Soc.*, 4th series, vol. iii, *ubi supra*.

First that it pleased your maiestie of your most singular & abundant beneficence to signify unto us being occupied after our accustomed manner in deuising of the manner of our foresaid subtedy, that yow made more estimation of our carefulnes in the deuising and dutefulnes in the free offering, than of the substance & uallow therof. And to make a plaine demonstration of your maiesties princely Iudgment to be such in uery dede, Yow were graciously beyond all examples within any memory contented (notwithstanding your publick affaires might require more) that we shuld at this time reteyne to our selues somme portion of that which we intended, esteming us your storors or treasurers (as in dede we are most glad to be accompted) both of that and of all the rest that we haue to serue your highnes person to the maintenance of your estate crowne & dignity. Secondly that it hath pleased your maiestie to signify to us before we could haue oportunity to make our request, that God had now moued your maiesties hart to the liking of mariadg, and that principally for the weale of us your faithfull subiectes, Yow were determined to marry, as by your deedes shuld be proued assone as time and occasion could serue to accomplish the same, wherof we haue conceaued so great comefort, as we can not but by continuall prayer to Almighty God beseche him to direct, further, and make perfect the same with such honorable issew of your maiesties body, as may continew the noble ligne of your maiesties father of most noble memory King Henry the eight to reigne ouer us and our posterity for euer, which without your maiesties marriage is now by Godes ordonnance made impossible.

Thirdly we can not also but remember to your maiestie that it pleased the same amongst other thinges to signefy unto us, that rather then your realme shuld be in danger for lack of declaration of succession (which your maiestie hoped by Godes goodnes wold appeare of your owne body in due time upon your mariage) yow wold by the assistance of Godes grace, whan conuenient time and oportunity shuld so seme unto yow (which for sundry great & weighty considerations your maiestie found presently not mete) so haue regard therto, that your care therin shuld well shew it self & appeare much more for the contentacion & suerty of us your people & our posterities, then of your owne particuler (although, as your maiestie sayd, we could not well be ignorant what perill the second person might some time brede the first, nether were yow sure that a second wold not be seduced though yow could neuer so be, as she whose dutifull mind was neuer blotted with cryme. In which your gracious disposition and care for us, we most humbly beseche Almighty God to continew your maiestie, and to prosper your intentions and actions to establish that which may be with assent of your realme in parlyament agreeable and consonant to lawe and Iustice and to remain of all ages hereafter inuiolable, and to the praise honor and memory of your maiestie & yours perpetually. And so hauing with your maiesties fauor presented to the same in the forefront of our small but a most free and willing gift, these our most humble recognisctions, we likewise beseche your maiestie to receaue the rest that followith as the fruites of our faithfulness and bounden duty that we beare to your maiestie, And that touching the grant of our said subtedy, It may be enacted in manner and forme following.

## III

The following manuscript is a single sheet of paper, the last of what were probably three sheets containing the proposed preamble to the subsidy bill of 1566. Only the third section of the preamble now remains, and this is the first part of the manuscript here printed. Whilst based on the second model draft printed above, it is considerably altered. I think we must regard it as a later draft than the former : its presentation to the queen suggests this ; then it is improbable that its opening passage would have been dropped when once incorporated ; whilst again, the omission of details of the queen's peril which appear in the former draft really strengthens the reminder that the queen had promised to name a successor when opportunity permitted. The second part of the manuscript is a brief, but delightful comment on the preamble, written in Elizabeth's own hand, at the foot of it.<sup>1</sup>

Brit. Mus., Lansdowne MS. 1236, fo. 42.

Thyrdly we cannot but also thankfully remember to your maiestye that it pleased the same to signifye unto us that youe did not myslyke of us for our desyre in this parliament to haue the Succession of the Crowne declared, for that youe rightly conceaued the same our desyre to procede from us (as in dede it dyd) of mere dutye and loue towards your highnes your realmes and countreis and not of any other dysposytyon or pretensed purpose, And signyfyed furdre of your godly dysposytyon and naturall loue towards us, to our gret comforte, that rather than your Realme shold threte ruyn for lack of declaracion of Succession which youe trusted almighty god wold shewe of your owne bodye in due tyme after your maryage, youe wold by godes helpe though it shold apere some perell to your self (which god defende) declare the Succession in soche conuenyent tyme as your highnes with thaduyse of your counsell and assent of your Realme shold thinke most mete in soche person as in whome the right therof accordinge to law and Iustice ought to be settled and remayn to the yoyfull comforte of us all And so hauinge with your maiesties fauor presented to the same in the forefront of our small but a most fre and wyllynge gyft theis our most humble recognytions, we do lykewyse beseche your maiestie to receaue the rest that foloweth as the fructes of our faythefulnes and bounden loue that we beare to your maiestie, and that it may be enacted in forme folowenge.<sup>2</sup>

set thes two conceuings into one mening and my counsell is all giuen. let not other[s] regard them selues so holy as I haue no corner left for me. let them knowe that I knewe thogh I folowed not, that some of them wold my pure conscience bettar serued me than ther lewde practises

<sup>1</sup> See p. 513, above.

<sup>2</sup> Between the close of the preamble and Elizabeth's comment is a brief shorthand note, a later annotation (? Strype's) dating the manuscript.

could auaille with me. I knowe no reason whi ony my priuat answers to the realme shuld serue for prologe to a subsidies boke nether yet do I understand why suche audacitie shuld be used to make without my licence an acte of my wordes. ar my wordes like lawiers bokes wiche now a dayes go to the wiar drawers to make subtyll doings more plain? is ther no hold of my speche without a[n] acte compel me to confirme? shall my princely consent be turned to strengthen my wordes that be not of them selues substantiues? I say no more at this time but if thes felowes wer wel answered and payed with lawfull coyne ther wold be fewer counterfais amonge them.

*Trading with the Enemy and the  
Corunna Packets, 1689-97*

**D**URING the French war of William III, the governments of England and the United Provinces made more or less determined and more or less successful attempts to cut off all trade between their subjects and the enemy. An examination of these attempts will throw light on the question of how far commercial measures were then used as an auxiliary to military action. It will incidentally illustrate the history of economic ideas, for even in peace this policy had prevailed for a short time in England a few years before. In the period in which the opposition to Charles II assumed the outline of the historic whig party, several converging causes had led its members to advocate the strongest commercial action against France.<sup>1</sup> The French trade not only provided the Crown with much of that part of its revenue which was not controlled by parliament, but its overbalance against England, which led to a considerable drain of gold, caused the economic theories of the time to condemn it. When Colbert introduced in 1674 what was practically a prohibitive tariff against English manufactures, the inequality became still greater. Commercial resentment mingled with the rising political feeling against the French in the parliamentary debates of 1675, and in 1677/8 the commons, by a kind of tacking, forced on the government an act<sup>2</sup> which prohibited for three years under penalties the importation of 'French wine, vinegar, brandy, linnen, cloath, silks, salt, paper, or any manufacture made of or mixed with silke, threade, woole, hair, gold or silver or leather being of the growth, product or manufacture of any of the dominions or territories of the French king'. The mercantilist argument for the prohibition was stated in the preamble: 'the wealth and treasure of the nation hath been much exhausted by the importation and consumption of the French commodities.' In the event of war or reprisals, such a prohibition would raise a problem which, as we shall see, proved far from easy in the time of William III.

<sup>1</sup> See Ashley, 'The Tory Origin of Free Trade Policy' in *Surveys, Historic and Economic*.

<sup>2</sup> 29 & 30 Car. II, c. 1 (*Statutes of the Realm*, v. 852).

The statute anticipates it by laying down the rule that prize goods of which the importing is forbidden are not, except in special cases, to be landed in England, but are to be exported to any foreign market. About the execution and results of this act, it is fortunately not here necessary to speak. It was repealed by the parliament of James II in 1685,<sup>1</sup> and its place filled by a heavy, though not a prohibitive tariff on French linen, calicoes, silks, brandy, and other spirits :<sup>2</sup> a change of policy similar to that which we shall notice as happening ten years later.

In 1686 the restrictions laid by the French on importing East India goods hampered the English still further. Three years later the revolution and the war brought a new opportunity for the whig commercial policy, and soon after the English declaration of war a bill was introduced in the house of commons for prohibiting all trade with France. The principal obstacle to its passing was the fear that the Dutch might derive an unfair advantage from allowing the English to cut off their French trade, while not themselves doing likewise ; but the conclusion of a treaty with the Dutch in August 1689 did away with this fear.<sup>3</sup> A week after the treaty was signed, the bill, in one day, was passed in an amended form by the lords, was accepted by the commons, and received the royal assent.<sup>4</sup> Like the proclamations which preceded it, it had a mercantilist preamble. It imposed strong penalties for the importing of French goods and ordered the destruction of any such goods that were seized, and the forfeiture of the offending ships. In order to reduce the profits of smuggling a maximum price was set on the red wines already in stock in England, and, after a time-limit of a little less than a year, this maximum was to be reduced, so that neither the hoarder nor the secret importer could openly make a profit from selling red wine. The whole enactment was for three years. During the parliamentary discussions there had been differences of opinion on a good many points of machinery and detail. A partial exemption had been granted, on their petition, to some English distillers who had been for some time established in Catalonia.<sup>5</sup> One of the original clauses, providing that the Crown might grant further exemptions, had been struck out by the commons. An amendment had been inserted, but had

<sup>1</sup> 1 Jac. II, c. 6 (*Statutes of the Realm*, vi. 10).

<sup>2</sup> 1 Jac. II, c. 5 (*ibid.* vi. 7).

<sup>3</sup> See *ante*, xxxv. 545-50.

<sup>4</sup> The statute is 1 William and Mary, sess. 1, c. 34 (*Statutes of the Realm*, vi. 98), and the parliamentary proceedings are to be found in the *Commons' Journals*, especially 7/17 August ; *Lords' Journals*, especially 9/19 August ; *House of Lords Papers*, 1689-90, pp. 250 f.

<sup>5</sup> The prolongation of this exemption was provided for in the unsuccessful bill of 1689/90 for permitting the use of captured salt by the navy (*House of Lords Papers*, 1689-90, p. 422). For the capture by the French of two ships laden with the goods of these distillers, see *Cal. of State Papers, Dom.*, 13/23 June and 28 June/8 July 1692.



afterwards dropped out, extending the prohibition to all letters and bills of exchange, a matter which, as we shall see, took up later a good deal of attention. The chief struggle had been about the maximum price. The London vintners had represented that this provision would ruin them, and had done their best to get it relaxed in their favour; but the majority in the houses, whether from a desire to injure France or from a desire to protect British industries or both, refused any mitigation of the policy. During the following winter they twice gave further proof of their determination not to modify it, although now it was the government which sought relief. A cargo of salt had been captured from the French, at a time when the British navy was in need of salt. A bill was therefore introduced to enable this particular cargo to be confiscated for the use of the navy instead of being destroyed in accordance with the statute. It was rejected by the lords.<sup>1</sup> Later a general bill was introduced to apply this principle to all cargoes of salt, but, though brought up from the commons to the lords, was never read there.<sup>2</sup> Only in 1691/2 was an act passed for preserving two ships' ladings of bay-salt for the use of the navy.<sup>3</sup>

The intentions of the legislature at the beginning of the war seem to be in agreement with those of the government which made the treaty with the Dutch. There is some room for doubt about their motives and their expectations, but there is not much doubt about what they attempted to do. To pass on, however, to the questions of how far they succeeded, and why it was that they gradually departed from their original plan, is to enter a darker region. It is certain that trade with the enemy went on, but there can be little certainty as to how much, or where, or in what articles. The seventeenth and eighteenth centuries were the great age of smuggling, and it might be expected that the restrictions on enemy trade would be evaded in much the same way as the customs restrictions, by the same men and perhaps, since the profit would be greater, even by a larger proportion of the seafaring population. During the whole war there was a steady run of arrests and convictions.<sup>4</sup> Some of them were for grave offences. Lead was an English article of export, and one that all nations wanted in time of war for making bullets. There were cases of shipmasters who intended to carry lead to France,<sup>5</sup> who tried to do it on pretence

<sup>1</sup> *Lords' Journals*, 23 November/2 December 1689; see the draft in *House of Lords Papers*, 1689-90, p. 349.

<sup>2</sup> *Ibid.* p. 424.

<sup>3</sup> William and Mary, c. 4; see *House of Lords Papers*, 1690-1, pp. 444-5.

<sup>4</sup> *Cal. of State Papers, Dom.*, *passim*. A petition to the commons against various merchants trading to France is mentioned in the dispatch of Citters to the states-general, 8/18 January 1691/2 (Brit. Mus., Add. MS. 17677).

<sup>5</sup> *Cal. of State Papers, Dom.*, 10/20 December 1689.

of sailing to Leghorn,<sup>1</sup> and one of whom succeeded in landing lead at Dieppe.<sup>2</sup> The two last were charged with high treason. If these were extreme cases, it is also clear that among many of the best merchants the standard of patriotism was not too high.<sup>3</sup> A clandestine trade can never, in the nature of things, be estimated by anything like statistical methods, and therefore it cannot be proved that these are not the visible signs of a considerable mass of dealings with the enemy. On the other hand, the general impression conveyed by the records is that no very great proportion of British shipping was used in the French trade during the war,<sup>4</sup> that the quantity of British goods that got into France was not important, and that much of the salt, wine, and brandy that were 'run' into the country were carried by foreign ships.

Two branches of the English enemy trade deserve special mention. In 1691, when the whole matter was under discussion at the diplomatic congress in the Hague, the Spanish ambassador complained of an English ship, the *Leopard*, which was in the habit of lying off Puntales near Cadiz and taking on board French goods from Genoese ships, afterwards putting them on shore in Spain.<sup>5</sup> This shows the impotence of the Spanish government and the lack of police by the allies in Spanish waters. The other example is more important, namely, that of the 'owling' trade. 'Owling' was the name used for long after this time for the exporting of wool or sheep. This had been a capital offence, even in times of peace, since the days of Edward III,<sup>6</sup> and it may be called the crowning example of trading with the enemy. The woollen manufacture was the great English staple industry, the most strongly protected, especially against the exporting of raw material to other countries. When David Hume exposed the delusions of the jealousy of trade, he had to pay special attention to the prejudice in favour of protection for such an exceptional industry.<sup>7</sup> In 1689 the old proclamations against the exporting of wool were revived.<sup>8</sup> There was no point in commercial policy more vigilantly watched over in the time of William III. Yet, although it was a time of war, when

<sup>1</sup> Trumbull to Kick, 28 June/8 July 1695, and subsequent letters (Foreign Entry Book, 69).

<sup>2</sup> Privy Council Register, 13/23 August; *Cal. of State Papers, Dom.*, 21/31 August 1690.

<sup>3</sup> For the divisions of opinion in Bristol on the question of principle see the papers of John Cary, Brit. Mus., Add. MS. 5540, f. 27, and *Cal. of State Papers, Dom.*, 1639-90, pp. 461, 470, 474.

<sup>4</sup> Lord Dursley's dispatch of 25 August/4 September 1691 (State Papers, For., Holland, 222) shows the difficulty found by the griffier Fagel in producing evidence to the contrary.

<sup>5</sup> Dursley's dispatch, 1/11 September 1691 (*ibid.*).

<sup>6</sup> By 11 Edw. III, c. 1 (1337).

<sup>7</sup> *Philosophical Works* (1826), iii. 370.

<sup>8</sup> *Tudor and Stuart Proclamations*, ed. Steele and Crawford, 28 March/7 April 1689.

the patriotic feeling against French competition was unusually high, the owling trade showed unaccustomed vigour. In 1698/9 it was thought by the best authorities to have reached 'near 2,000 sacks per annum ever since this war, each sack containing 240 lbs.'<sup>1</sup> The very name of 'owling' seems to date from this time. A poet 'of facetious memory' expressed the view of the government in the couplet :

To gibbet and gallow's your owlers advance,  
That, that 's the sure way to mortifie France.<sup>2</sup>

The great centre of the trade was in Romney Marsh, and in 1690 the privy council ordered the justices of Kent to take measures there, and arranged for ships to cruise off the Kent coast to prevent it. In 1693 soldiers were quartered at Lydd to put it down. In 1696 it occasioned a riot in Rye. In 1697 the clothiers of Welling-ton in Somerset petitioned against it, and, shortly after the signature of peace, three sloops were ordered out for this service. Not until 1699 did Narcissus Luttrell record that it had been 'in a manner' suppressed.<sup>3</sup>

The progress of the government's action about enemy trade seems to show, for the first three years of the war, nothing but a determination to enforce strictly the policy of 1689, except for the reasonable modifications which, as we have seen, they tried to obtain from parliament. Experience suggested certain improvements. It was forbidden for ships without a special exempting licence to leave the Channel except under convoy or on their way to the rendezvous of a convoy.<sup>4</sup> A new act was passed in 1690/1 for the more effectual execution of the act of 1689.<sup>5</sup> This defined more closely the offences of customs officers and the offences of vendors under the former act, and it imposed fresh penalties for a kind of offence which it stated to have occurred, the violent disturbing of informers and officers and the forcible importation of French wares by 'companies and multitudes of men'. It was in vain that the Vintners Company petitioned against the stricter definition of the offences of sales.<sup>6</sup> Equally unsuccessful for the time was an attempt

<sup>1</sup> Representation of the Commissioners of Trade and Plantations, 13/23 January 1698/9 (C.O. 390. 12, Public Record Office. There is a transcript in Brit. Mus., Harl. MS. 1324). The original was formerly known as Board of Trade, Trade Papers, 23).

<sup>2</sup> *New English Dict.*, s. v. 'owler' and 'owling', and Tom Brown, *Collected Poems* (1701), there cited.

<sup>3</sup> Privy Council Register, 13/23 February 1689/90, 21/31 August 1690, 28 April/8 May 1692, 16/26 November 1693, 26 March/5 April, 20/30 August 1696, 31 December/10 January 1696/7; 16/26 September, 21/31 October, 17/27 November 1697; Luttrell, *Brief Historical Relation*, iv. 548.

<sup>4</sup> Privy Council Register, 4/14 November 1689.

<sup>5</sup> 2 William and Mary, sess. 2, c. 14 (*Statutes of the Realm*, vi. 247). It received the royal assent on 5/15 January 1690/1.

<sup>6</sup> *House of Lords Papers, 1690-1*, pp. 252 f.

to introduce change in another direction. An early draft of the bill recites that the act, by subjecting all French imports whatsoever to destruction, had taken away the chances of profit from privateers. It sought to remedy this by fixing maximum prices for French goods, at which they would give the privateer some return but would not encourage the illicit trader. Presumably because of the obvious difficulties of making sure that the real price of sale was the same as the ostensible price, and of preventing the surreptitious addition of other goods to those taken in prizes, the lords rejected the bill. The house was then moved for a bill to give a third of their prizes to privateers, but nothing came of this.<sup>1</sup> The hedge was still intact. In the year 1691 another hurdle was put into one of the gaps, with a change in the form of the bond by which shipmasters undertook not to trade with the enemy.<sup>2</sup> Soon after, a strong act made it high treason to send arms or military or naval stores to France, and imposed the penalties of praemunire for exporting other goods thither, those of high treason for going there without licence, and twelve months' imprisonment for returning without licence.<sup>3</sup>

In 1692/3 there comes an enactment which has sometimes been thought to stand for a complete change of policy. The new impositions laid in that year in order to finance the war included some special dues on imports from France: <sup>4</sup> £8 a tun on French wine, 25 per cent. on French manufactured goods, and additional duties on brandy. This has been interpreted as meaning that French goods were now to be partly excluded and partly admitted and made a means of revenue by the operation of this tariff. A similar intention has been traced in the increased excise on foreign vinegar and brandy of the same year.<sup>5</sup> On the other hand, with certain modifications, the statutes of 1689 and 1690/1 prohibiting the French trade were in 1692/3 continued for three years, if the war should last as long.<sup>6</sup> The changes were for the encouragement of privateers and did not impair the prohibition. Definite proof that the new duties did not arise from a change of policy on the main issue is given by a short act of 1693, which recites that these had been inoperative because the importing of all brandies whatsoever still continued forbidden by the act of 1689, and therefore permits the importation of brandies, except from France.<sup>7</sup> The exception, however, could probably

<sup>1</sup> *House of Lords Papers, 1690-1*, pp. 200 f. : draft of 29 November/8 December 1690.

<sup>2</sup> Privy Council Register, 27 August/6 September 1691.

<sup>3</sup> 3 William and Mary, c. 13 (*Statutes of the Realm*, vi. 320), which received the royal assent 24 February/6 March 1691/2: see *House of Lords Papers, 1690-1*, p. 446 f.

<sup>4</sup> 4 & 5 William and Mary, c. 5 (*Statutes of the Realm*, vi. 380).

<sup>5</sup> 4 & 5 William and Mary, c. 3 (*ibid.* vi. 372).

<sup>6</sup> 4 & 5 William and Mary, c. 25 (*ibid.* vi. 419).

<sup>7</sup> 5 William and Mary, c. 2 (*ibid.* vi. 442). For a similar misunderstanding in

not be very exactly regarded. Once it began to pay attention to foreign wines and brandies as a means of revenue, the government was likely to open gaps in its fence which would be widened in time. On some occasions there were other interests opposed to this process: in 1694 the Spanish and Portuguese merchants successfully opposed the imposition of further duties on their wines.<sup>1</sup>

In 1695/6 the acts of prohibition expired and they were not renewed. The reasons and effects of this are not very easy to trace. About this time a bill was read for the first time in the house of lords which continued and made stricter the acts against the owling trade, but this was never considered in committee or reported.<sup>2</sup> Nor is there any other legislation against trading with the enemy, unless that name can be applied to a further set of impositions on French goods and merchandise.<sup>3</sup> These included £25 a tun on wine, £30 on brandy, £60 on double proof brandy, £15 on vinegar, 25 per cent.—a second 25 per cent., additional to that of 1692/3—on all French manufactured articles. In addition the export was prohibited of frames for making worsted stockings. This was a protective measure first and foremost: it was enacted for twenty-one years and intended to subsist in peace time. Ultimately it was made perpetual in the reign of George I<sup>4</sup> and not repealed till the nineteenth century. The new duties are, however, so heavy that, in spite of the change of form, this may be called a virtual renewal of the prohibitions of 1677 and 1689. It should be noted, however, that, perhaps because the English legislation against importing enemy goods was about to expire, William, in the autumn of 1695, desired that a convention might be forthwith made between the states-general and himself as king, that no French goods whatsoever should be imported into either's dominions in any neutral ships whatsoever, under such penalties, besides the loss of the goods, as should be thought fit. He was anxious to have the affair quickly dispatched: 'the rather because great quantities of French wines will in a short time be endeavoured to be imported both into England and Holland in neutral ships.'<sup>5</sup> Correspondence passed backwards and forwards between London and The Hague, and William was pleased to say on 3/13 December that he would

1690 see dispatch of the states-general to Citters, May 6/16 and his reply, correcting it, 9/19 May (Brit. Mus., Add. MS. 17677). For the privateers, see *The Mariner's Mirror*, vii. 213-6.

<sup>1</sup> Dowell, *History of Taxation and Taxes*, ii. 60.

<sup>2</sup> *Lords' Journals*, 12/22 February 1695/6; *House of Lords Papers, 1695-7*, pp. 194-5.

<sup>3</sup> 7 & 8 William III, c. 20 (*Statutes of the Realm*, vii. 97).

<sup>4</sup> 1 Geo. I, stat. 2, c. 12, s. 3.

Trumbull to Villiers, 19/29 November 1695 (Foreign Entry Book, 69).

give directions on the matter as soon as he heard from the pensioner on the subject, which he had not done by the last post.<sup>1</sup> If any trace of this incident survives in the correspondence of William and Heinsius, it does not seem to have been judged worthy of publication; but nothing seems to have come of the proposal. Most likely the new duties were as much in the way of prohibition as William wanted from the English. The official view of the English still seems to have been that they had not thrown open the trade with France. Thus in the autumn of 1696 Shrewsbury wrote:

I hope the King will take care that the Dutch shall not open a trade with France during the war. Such a proceeding in Holland would do him a great deal of harm here.<sup>2</sup>

It was the firm belief of Englishmen that they showed more determination in the trade war than any of their allies.<sup>3</sup> Without statistics it can hardly be proved, but in all probability they were right. If the English measures against enemy trade were less thorough and effective than the king desired, the Dutch were worse still. Throughout the war there was a long series of resolutions of the states-general and the governing assemblies, laying down a policy and forbidding one device after another by which the merchants evaded it. The endless repetitions and the delays of procedure are themselves proofs enough that the policy was never fully put into force. A *plakkaat* on reprisals on 8/18 October 1688 and the declaration of war on 27 February/9 March 1688/9<sup>4</sup> forbade the importation of French goods, but it was after these that William wrote to Heinsius, with the coming meeting of the states of Holland in his mind:

I hope that you will be able in this assembly to win over the gentlemen of Amsterdam, and other members who might cause difficulties, to the prohibition of the consumption of French goods, otherwise the [existing] prohibition is useless and does no damage to France, and I should be brought into the greatest embarrassment here.<sup>5</sup>

This further step seems never to have been taken. Instead there began the resolutions in which the states-general tried to enforce the existing prohibitions. It is not worth while to describe the shortcomings of the various provinces and admiralties, amongst which Zeeland gave the greatest trouble but all gave some, or of minor obstructionists like the town officers of Middel-

<sup>1</sup> Trumbull to Villiers, 29 November/8 December, 3/13 December.

<sup>2</sup> To Hill, 29 September/9 October 1696 (*Montague House Papers*, II. i. 414).

<sup>3</sup> For an able but typical expression of this opinion see J Hampden, *Some Short Considerations concerning the State of the Nation*, 1692, reprinted in *State Tracts of William III*, II. 320, and in Cobbett, *Parliamentary Hist.*, v. lxxv.

<sup>4</sup> *Groot Placcaet Boek*.

<sup>5</sup> 6/16 July 1689 (*Archives de la maison d'Orange-Nassau*, 3rd series, I. 29).

burg, Flushing, and Zierikzee.<sup>1</sup> It is enough to say that the federal constitution of the Dutch republic reproduced in miniature the difficulties which prevented the grand alliance from combining efficiently in trade war against Louis XIV.

The clandestine trade of the Dutch had many methods.<sup>2</sup> First of all, there were quite simple frauds and illegalities. Straightforward smuggling went on all through the war, sometimes with armed force. Harbour officers were bribed to open their booms and let in ships at night. Neutral ships carried goods to and fro between the ports of the Dutch and the French. The customs officers were bribed. To stiffen their fidelity, in 1690 the states-general reversed the old arrangement by which all unlawfully imported and exported articles were to be destroyed, and gave them a third share of any goods which they caused to be confiscated.<sup>3</sup> It may be doubted whether this reform did not afford openings for other abuses, for the Dutch showed great ingenuity in evading these laws. There were several systems of collusive capture at sea. A Dutch ship would touch at a French port, when nominally sailing for Bilbao, and would then set out with its forbidden cargo. The captain would already carry papers certifying his capture by a privateer, and some of his crew would be detailed to act the part of a prize-crew put in by the captor. The captor would be met, perhaps in some English port, and would quietly collect his 'prizes', to bring them in and get his allotted share of the proceeds of confiscation. The transaction was profitable both to the privateersman who got his prizes without risk or trouble, and to the merchant who forfeited his property to an accomplice. There was another way in which it could be made profitable to be captured at sea. A Dutchman, trading under the Swedish or Danish flag and, in the earlier days of the war, not wishing to be impeded by Dutch or British men-of-war in his voyage to France, had only to arrange by post for a Dunkirker to pounce on him as he slipped innocently down the coast, and then he would enter the harbour of Dunkirk under a respectable escort.<sup>4</sup>

<sup>1</sup> Instances will be found in Res. Stat. Gen. 5/15 October 1689, 29 December/8 January 1689/90, 14/24 April-23 July/2 August 1697. (As several of the references to resolutions of the states-general in the foot-notes to this paper are taken not from the originals but from the authenticated copies in diplomatic correspondence or the resolutions of the admiralties, I am unable to distinguish those of the resolutions which are 'secret'.) See also Res. Stat. Zeel. 15/25 September 1696, Res. Admin. Zeel. 23 June/3 July-7/17 August 1697, and the pamphlets cited below.

<sup>2</sup> In the present paper I deal only with the sea-borne trade, omitting the overland trade through Germany and the Spanish Netherlands.

<sup>3</sup> Resolutions of 8/18 and 13/23 October 1690 (*Groot placcaet boek*). See also the advocacy of this plan in the pamphlet *Middelen tot onseylbare weeringe van de gepleegde sluykeryen en den verboden invoer*, 1690, and the *Nadere consideratie*, 1690, which followed it.

<sup>4</sup> See a memorial to the states of Holland, printed in 1690 with the title *Memorie*

The practice of trading under neutral flags led, as might have been expected, to a number of other abuses, less picturesque but no less grave than this. It was carried on in various ways. A merchant in the United Provinces might buy a ship in the name of a skipper who would then become naturalized in Denmark or Sweden or Poland. He might sell a part-share in a ship to a Danish friend, who would then declare with the master that it was wholly Danish property and so gain the protection of the flag. Again, there might be a fictitious sale *pro forma* to an accomplice in Denmark or Sweden.<sup>1</sup> There were vessels manned and owned by Rotterdammers which sailed in this manner from Hamburg for the 'Greenland' fishery, at any rate in the earlier part of the war, when only the Hamburgers and not the Dutch were sending guard-ships thither.<sup>2</sup> It was not the least of the objections to the ambiguous behaviour of Hamburg and the other imperial seaports that, besides trying to get for themselves the advantages of neutrality, they imitated the neutrals in undermining the loyalty of the Dutch to their own regulations.<sup>3</sup>

Another kind of fraud against which, as we have seen, the English tried to provide was the passing off of French wine and brandy under other names. A pamphleteer tells us that 'many avaricious Jews and others' arranged the exporting of wine and brandy from French ports to San Sebastian, Bilbao, or Catalonia, where it was put into Spanish vats for export with a sworn declaration of Spanish origin. A declaration could be bought for a piece of eight, and, although this quarter of Spain could scarcely produce a hundred vats of brandy in a year, it was exporting a thousand.<sup>4</sup> An offence less easily detected was the dilution of Spanish with French wines and brandies, and apparently the states-general did not, as they had done in the last French war, prohibit the sale of all mixed liquors.<sup>5</sup> Officials were dishonest in identifying the local origins of wines and spirits. Altogether the wine-trade seems to have been but little hindered by the laws. The neutral Portugal was a great *entrepôt* for it, Barcelona and Bilbao no less.<sup>6</sup> The demand for a time-limit

. . . *rakende 't belst van de sluykeryen*, &c., and Res. Stat. Gen. 5/15 October 1689, 13/23 October 1690. Two suspected cases are mentioned in a memorial of the Dutch secretary Bade, 10/20 September 1692 (State Papers, For., For. Ministers, 21).

<sup>1</sup> *Kort vertoog door wat middelen en wegen de negotie op Vrankryk gedreven en staande gehouden werd*, Amsterdam, 1691. See also Hop's dispatch to the griffier dated 17 October 1690, and another pamphlet, C. Indise Raven, *Werd Haar Hog. Mog. de Heeren Staten Generaal . . . 't gevaar van te vallen onder de tyrannique maght der Franczen . . . overgegeven*, 1691.

<sup>2</sup> *Kort vertoog*. In 1696 the admiralty college of Amsterdam added two guard-ships to the one of Hamburg (Res. Adm. Amsterd. 26 March/5 April 1696).

<sup>3</sup> *Middelen tot onfeylbare weeringe*, p. 6.

<sup>4</sup> *Ibid.* pp. 8-9.

<sup>5</sup> Res. Stat. Gen. 10/20 April 1674.

<sup>6</sup> *Ibid.* 21/31 October 1695.



to the consumption of French wines was feebly raised by two of the provinces, but led to nothing.<sup>1</sup>

The gravity of the danger from Dutch trading with the enemy is best shown by the amount of the trade in contraband. In the autumn of 1689 the British secretary at The Hague reported the optimistic answer of Heinsius to an inquiry about the running of saltpetre: there was a special prohibition besides the great general strictness, and all was well, nevertheless, to oblige the king, Heinsius would give the matter close supervision.<sup>2</sup> It was probably needed. In the previous January the states-general, alarmed by the news that a vessel with gunpowder had lately sailed direct to Rouen, had forbidden any shipment of ammunition without their permission. Yet, so far from stopping the exporting of contraband, this resolution was merely the forerunner of others, at least five of which had failed of their effect in the eighteen months which elapsed before it was made a capital offence.<sup>3</sup> By that time the scandal had led to a violent protest. Amsterdam was always a town where popular rioting was common: on 10/20 June 1690 the people broke out against those who were suspected of selling ammunition to the French.<sup>4</sup> They were put down by the train-bands and there were executions, but the riot was followed by the strong enactment which has been mentioned, and there seems, after this date, to be a check in the flow of regulations against the contraband trade.

We have seen already that it would be difficult to prove that the English were more austere in these matters than the Dutch, and it would be a mistake to make any such inference from the English interference with Dutch practices.<sup>5</sup> It is true that the English seem to have done more of this than the Dutch did to them, but that may be due to a greater aggressiveness and not to a greater provocation. In one or two instances, indeed, it looks very much as if the English tried to stop the importation of Dutch-made goods of which they feared the competition, by using the false pretext that they originated in France.<sup>6</sup> A still

<sup>1</sup> C. Indise Raven, *Consideratien op de middelen tot voordeel van den staet*, 1691, pp. 12-13; *Consideratien over de tegenwoordige toestand van de negotie*, 1692.

<sup>2</sup> Aglionby's dispatch, 22 October/1 November 1689 (State Papers, For., Holland, 221).

<sup>3</sup> Res. Stat. Gen. 16/26 January, 28 January/7 February, 11/21 March, 18/28 April 1689; 11/21 April, 11/21, 15/25 June 1690.

<sup>4</sup> Kick's dispatch, 11/21 June (State Papers, For., Hollan 221). For a later offence see Res. Stat. Gen. 28 November/7 December 1693 (a shipment of saltpetre from Zeeland by way of Ostend to Dunkirk).

<sup>5</sup> For instances see the memorial of Villiers, 31 January 1696; and Brande's dispatch on the arrest of fifty-four coal-hookers from Zierikzee by the English, 24 July 1696, both in Brit. Mus., Add. MS. 17677.

<sup>6</sup> Privy Council Reg. 13/23 February 1689/90, 10/20 April 1690; Amsterdam burgomasters to Hop 25 March/4 April, Hop to burgomasters 15/25 April, 5, 18 May 1690; Trumbull to Villiers, 23 October/2 November 1696 (Foreign Entry Book, 69).

more selfish and unscrupulous attitude may be alleged against the English privateers and king's ships which seized Dutchmen on suspicion of trading with the enemy. Although there were complaints about this, they did not lead to any serious diplomatic difficulty between the two countries. There are at least a dozen cases in which the Dutch representatives sent in memorial after memorial, the commonest type being those of Dutch ships seized by Dover privateers and taken away from the large merchant fleets as they passed through the Straits under convoy. In 1692 the states-general remarked that such incidents were now of daily occurrence.<sup>1</sup> They lay on the border-line between piracy and police.

The plainest contrast between the Dutch and the English in the matter of enemy trade lies not in the records of what they did, but in what they wrote about it. However little the English merchants liked or obeyed the decisions of the government, they did not argue against them; but in the pamphlet literature of the Dutch there is a vigorous controversy about the economics of the enemy trade. There were many who wanted to limit as far as possible the restriction of trade which resulted from hostility to France. They held to the old Dutch tradition by which trade, and, if need were, even trade with the enemy, provided the means for making war. Innovations, they said, should be avoided in such times as those.<sup>2</sup> They wished to see France defeated, but they wanted also welfare at home. These writers saw clearly, what some of their contemporaries in Holland and other countries did not see so well, that such an obstruction and diversion of trade-routes as the war brought with it must in itself bring economic loss. The commercial system of Europe was made rigid by the exclusions of the mercantilist states: it was hard to find new outlets when trade was shut out from its old routes and destinations. The English, at the beginning of the war, had refused commercial concessions. Twelve Amsterdam houses and twelve of Leyden applied in 1692 for permission to do their Levant trade overland by Venice, Mestre, and Augsburg, but the permission was refused.<sup>3</sup> So much the more reason for keeping open every outlet that was not dangerous. Several pamphleteers held that France would suffer less than the allies by becoming a closed trade-system to herself.<sup>4</sup> She had a surplus from her own production of food and all common wares.<sup>5</sup> This

<sup>1</sup> Res. Stat. Gen. 22 January/1 February 1691/2; memorial of Citters, 13 April 1694 (State Papers, For., For. Ministers, 21).

<sup>2</sup> *Korte burgerlijke remarques*, 1691.

<sup>3</sup> *Relazioni Venete*, ed. Blok (Rijks Geschiedkundige Publicatiën), pp. 321-2.

<sup>4</sup> *Quelque réponse à quelques considérations*, 1690, pp. 5-7; Bibliotheca Thysiana, no. 5045, p. 111. The latter is a manuscript pamphlet of French origin.

<sup>5</sup> *Consideratie om de inlandse gewassen te beneficeren*, 1691.

was shown by the experience of the war, at any rate from 1694 onwards, to be fallacious, but before that France did not appear to depend, like Holland, on external trade. Not only were her natural resources richer, but there was also a political reason: 'la France est si absolue que, tant qu'il y aura de l'argent, elle en trouvera.'<sup>1</sup> The French home trade and industries would support themselves, and the government would be able to get what it wanted from the wealth so produced and no commercial isolation could weaken France's power of resistance. On the other hand, Dutch industry was in many ways dependent on imports from France. The best instance was that of wool-cards. Good wool-cards could be got only from France, and a pamphleteer of 1690 says that the price has risen from 15 fr. or 16 fr. to 60 fr.<sup>2</sup> In 1689 a cloth manufacturer petitioned the states-general for permission to import wool-cards, maintaining that they were not expressly shut out by the *plakkaat* of 8/18 October 1688; but he was not successful, so that apparently it was the policy of the states-general to keep up the prohibition even for such 'key commodities'.<sup>3</sup> In 1693, however, they so far relented as to permit the importing of French 'caartebollen', to prevent the ruin of the wool-dyers through lack of them.<sup>4</sup> But this was an exception: the pamphleteers argued in vain that plums, which came from France, were very good for feeding sailors; that the inclusion of naval stores in the definition of contraband had driven the rope manufacture to Riga and Stettin;<sup>5</sup> that no trade should be stopped except that in contraband defined in the narrow old-fashioned way, unless perhaps it were that in brandy and wine, which the Dutch could spare and from which the French king derived part of his revenue. The appeal to imitate their ancestors of the war of independence did not move the states-general.

It is tempting to inquire how great a part was played in this obduracy by the currents of protectionist thought which then ran more strongly in Holland than before, but the pamphlets of the protectionists are interesting chiefly for their naïve economic fallacies, and probably had little influence.<sup>6</sup> The attempts to protect the industries of brewing and sugar-refining led to no great results. It is difficult not to see the hand of the hack who

<sup>1</sup> *Quelques considérations sur la nécessité d'interdire le commerce des lettres*, 1690. For this pamphlet see below, p. 536.

<sup>2</sup> *Consideratie om de inlandse gewassen, &c.*

<sup>3</sup> Res. Stat. Gen. 28 January/7 February 1689.

<sup>4</sup> *Ibid.* 3/13 April 1693.

<sup>5</sup> *Consideratie.*

<sup>6</sup> For a general account of them see Laspeyres, *Gesch. der volkswirtschaft. Anschauungen der Niederländer* (Preisschrift der Fürstl. Jablonowskischen Akademie), 1863. The bibliography in this work should be used with great caution; cf. the author's remark on its origin, p. ix.

is satisfied with any argument in the pamphlet which advocates the exclusion of all wines and brandies on the ground that the Spaniards, being unable to export them, will thus have more for their sailors, who need them badly on their long Atlantic voyages.<sup>1</sup> The attempt to make out that the prohibition of trade with the enemy was actually profitable cannot have been convincing: the common sense of the Dutch merchants must have told them that whatever advantages the plan had were not economic but political. When economic advantages were claimed for it, this was most likely done by Orange partisans who really wished rather to injure the French than directly to benefit the Dutch.

There is a small incident, standing by itself, which brings out clearly the difficulty of stopping the leakages in the restrictions of trade with France and shows the nature of the forces on both sides: the incident of the Corunna packets. It appears that on the outbreak of war no alteration was made in the postal arrangements of either the English or the Dutch with France and the countries bordering on France. It was, of course, illegal to conduct treasonable correspondence with the enemy, and there were convictions in both countries for offences of this kind, but other correspondence was freely permitted and carried on. From the autumn of 1689 the duke of Shrewsbury, as secretary of state, was working for the stoppage of the Calais packets, because of their usefulness for treasonable designs.<sup>2</sup> Even before this, it had been proposed for a different and more significant reason that the sending and receiving of all letters and bills of exchange to and from France should be prohibited: the commons inserted a clause to this effect in the bill for forbidding trade with France.<sup>3</sup> This clause was not enacted, but it is interesting as a sign of this new phase of commercial hostilities. In the same month Nicholas Witsen, one of the Dutch ambassadors in London, reported to the burgomasters of Amsterdam a proposal which had been put forward in London by the Spanish ambassador and had some English supporters. Until the treaty of the Pyrenees, thirty years before, the Dutch post for Spain and Portugal had always been carried by sea, and it was now suggested that this plan should be revived. Letters for the Peninsula and also for Italy should go by water from Land's End to Corunna or Vigo. Count Taxis, to whom the postal service of the empire belonged, should have an agent at The Brill to pass German letters through to the same route if the emperor and the

<sup>1</sup> C. Indise Raven, *Consideration*.

<sup>2</sup> See his letters to Wildman, 23 October/2 November (*Cal. of State Papers, Dom.*, 1689-90, p. 301), 3/13 November (*ibid.* p. 313), 12/22 December 1689 (*ibid.* p. 354), and to the lords of the treasury and the mayor of Dover, 13/23 February 1689/90 (*ibid.* p. 461).

<sup>3</sup> *Commons' Journals*, 27 July/6 August 1689.

German princes would agree, and the Amsterdam post-offices were to draw their profit from the system as they already did from the service of packets to England. Witsen, for once without distrusting a plan of co-operation with the English, recommended the project as likely to be profitable for Amsterdam and damaging to France.<sup>1</sup> The Amsterdammers, however, took no steps, and it was not till the beginning of the next year that British diplomacy began to make serious efforts to further the proposal.

A service of packets was started between Falmouth and Corunna.<sup>2</sup> They ran every fortnight, as regularly as the wind permitted, until the end of the war, and what the French thought of them may be inferred from the offer of 10,000 livres to any privateer which should make prize of one of them.<sup>3</sup> Major Wildman, an old Cromwellian and an active whig member of parliament and pamphleteer, who was at that time postmaster-general, took charge of the matter in London, and it was probably he who induced Nottingham to bring it to the notice of Lord Dursley and who persuaded Shrewsbury, the other secretary of state, although it was not in his department, to write Dursley a letter in its support.<sup>4</sup> Nottingham, who sent the official orders, did not write very pressingly, and Dursley, on the advice of the king's best friends in The Hague, amongst others and perhaps principally Portland, postponed for a time the memorial which he was instructed to present to the states-general. In the course of the spring he did present two memorials, and he also brought the question before the diplomatic congress on 3/13 March and 1/11 April. All the ministers agreed that the plan would deal a great blow to the French, but by this time suspicions and hesitations had appeared among the Dutch. Heinsius himself said they did not want to be hindered in their commerce with Spain, and the passage of the letters through England would be very inconvenient. Dursley replied that the Corunna packet-boats had not been started for the selfish advantage of England, and the king would not object to the use of any route by the Dutch so long as they gave up the overland route through France. It was then moved that every minister should write to his sovereign, urging him as far as possible to stop the commerce of letters with France. Dursley agreed, but begged the Dutch, without waiting for an answer from these dispatches, to follow the British example. So late as May, when the plan was

<sup>1</sup> Letter of 16/26 July 1689 in Scheltema, *Amstels oudheid*, pt. v.

<sup>2</sup> The contemporary English documents usually refer to Corunna as 'The Groyne', a spelling retained without explanation in the indexes to the *Cal. of State Papers, Dom.*, and other modern works.

<sup>3</sup> *Ordonnance* of 10/20 September 1692 in *Code des prises*, i. 128.

<sup>4</sup> Shrewsbury's letter of 8/18 January 1689/90 (*Foreign Entry Book*, 69).

as good as dead, he was still hoping that the other powers might follow the British lead and encourage the Dutch in the same direction. The emperor infinitely approved of the view that the prohibition would be in accordance with his *Avocataria* against trade with France, and had announced to the congress an intention of carrying it out in all parts of the empire. The Swiss and Italian mails were to be opened in Germany and all French correspondence taken out. With this fresh encouragement Dursley again approached Heinsius and the Spanish minister, whose concurrence, for the Spanish Netherlands, was also necessary. Their replies were not so satisfactory as could have been wished. The Spaniards would move when the Dutch moved. Heinsius would press the states, but it was with the states that the decision lay and there was little chance of their being persuaded.<sup>1</sup>

The British diplomatists had made efforts to persuade the Dutch regents already. About the time of the second memorandum to the states-general an anonymous pamphlet in French was published at The Hague, in which the current arguments against the plan were well and reasonably answered. It was the work of Dr. Aglionby, the British secretary, who had experience of postal affairs and had gone closely into the question.<sup>2</sup> He assumes the justice of the war and, with a pessimism that may have been exaggerated for the purpose in hand, he says :

Il ne paroît que trop que les armes seules n'en viendront pas à bout aisément sur tout tant que la France tirera de l'argent du païs même de ses ennemis. Il est indubitable qu'elle en tire nonobstant la rigueur des deffences de négoce, laquelle est tous les jours éludée par la subtilité des marchands de tous les païs.

The criticism that if one route were stopped up, other and more roundabout overland routes could be opened, he answered by saying that these again, whether through the Swiss cantons or through the duchy of Milan, could be closed by the method for which, as we have just seen, the emperor was soon to express approval. These détours, too, would be long and uncertain, and they could only be used with great changes in the existing system of banks of exchange. This argument has the air of

<sup>1</sup> Dursley's dispatches in State Papers, For., Holland, 222, especially 1/11 April, 20/30 May; letter of Hop, 15/25 April 1690 (Arch. Burg. Diplom. Miss. S. ii. 6, 7, 8, Gemeente-Archief, Amsterdam).

<sup>2</sup> The title is *Quelques considérations sur la nécessité d'interdire le commerce des lettres avec la France*, The Hague, 1690. Aglionby acknowledges the authorship in his dispatch to Warre on 11/21 April 1690 (State Papers, For., Holland, 221), though not explicitly in his dispatch to Vernon on the same date (*ibid.*). Though he does not give the title and though the copies he enclosed are not preserved with the dispatches, the insinuation in D., *Quelque réponse à quelques considérations*, &c. (dated 24 April 1690), p. 3, that the author of *Quelques considérations* is an Englishman makes as good as certain the identification I have made in the text. For an account of Aglionby's life see *Notes and Queries*, 12th ser., ix. 141 f.

a piece of mystification, and is at least hard to follow in detail. Those by which he tried to show that the Spanish trade of the Dutch would not be damaged were not likely to convince the merchant who set store by the trade with France. He pointed out that two routes were open, the safer route already in use with a sea-passage of 130 leagues in the open from Falmouth to Corunna, or the longer and more dangerous way with 200 leagues of coasting voyage from Barcelona to Genoa for Germany. The strongest objection with some of the Dutch, which had been published in some of the French gazettes, was that the English traders would profit from the system because they would get earlier information of the sailings of Spanish ships. Aglionby's two answers to this are complete: this earlier information would not in fact be profitable at all, and if it were the English had it already, because the packets were running, whether the Dutch chose to use them or not.

Aglionby was answered in French by an author<sup>1</sup> whose remarks on the specific question of the post are less sincere and less important than those we have already noticed on the wider question of enemy trade. He argues that correspondence with France cannot be completely broken off: the frontier of the Spanish Netherlands, for instance, will always let things through, and in order to permit neutral trade with France it will be necessary to leave open certain channels which will also be available for the Dutch, by way of the north or through Switzerland, Savoy, Genoa, Lucca, Venice, or Rome. In any case the trade of bills of exchange cannot amount to much unless the trade of commodities goes on. Even if that were ended, the circulation of credit through France would be necessary to the allies: the merchants sometimes say that it is impossible to make large remittances without a circuit through France. To change this state of affairs, it would be necessary to divert the whole course of European commerce, for which a war of fifty years would be needed. This again, like Aglionby's argument on the course of the exchanges, seems to be mystification for the layman more than a serious argument. It was probably less effective for raising feeling against the English proposal than the violent attack of a little pamphlet in Dutch<sup>2</sup> which attributes it to the English greed for advantages from the profits of the post, from earlier information, from the chance of holding up the Dutch letters on any occasion of quarrel, and condemns it because of the uncertainties of sea transit, because it may give the French the hint of confiscating Dutch property in France, much greater

<sup>1</sup> D., *Quelque réponse, &c.*

<sup>2</sup> *Remarques op het Engels project, om alle de correspondentie op en over Vrankryck, van brieven van commercie af te snyden.*



in value than any the English have there or than what the French have in Holland,<sup>1</sup> because it would stop all bills of exchange and so all commerce, which is the life of Holland. This writer, too, is of opinion that the measure will do no harm to France, but he says quite openly that the old Dutch way of trading with the enemy is better than Leicester's way.

With the states of Holland this old way of thinking, as might have been expected, prevailed. They met at the time when Aglionby's pamphlet came out, and the author wrote, when he sent copies of it home, that the Amsterdammers would oppose the plan with all their might. A month later he says that he dare not press the states too hard because an adverse vote by them would affect the Spaniards. Already he had feared that the governor of the Spanish Netherlands was influenced against the scheme by Count Taxis, but the existing state of things was supported by another vested interest far stronger than the count's. The states of Holland adjourned without taking any action, and Dr. Aglionby wrote the epitaph of the British plan: 'We have leapt boldly and no one will follow.'<sup>2</sup> It flickered on uncertainly for some time longer. In the autumn of 1690, when the whole question of allied and neutral trade with the enemy was again before the congress at The Hague, Heinsius wrote to William, with an echo of one of Aglionby's phrases:

if the business of prohibiting the correspondence of letters could be done, it would indeed make the greatest effect; here in Holland it will not have much success, but if only Spain saw fit it would be a *fait accompli* (for it depends on her alone) and by that means the commerce of the Hanse towns, along with that between the Northern kingdoms and France, must fall sufficiently, since where there is no correspondence with letters, no course of exchange and consequently no commerce can be kept at any great height.<sup>3</sup>

Spain seemed to hold the key, and in the spring of 1692 Dr. Aglionby went to Spain with the special mission of 'settling the general correspondency by letters through the kingdom of England without passing through the kingdom of France'.<sup>4</sup> The influence of Count Taxis was against him,<sup>5</sup> and the Spaniards declined to favour the sea-route by closing any other. All that they would concede was that the service should be maintained for letters addressed to be sent by it and as far as possible all northern correspondence. The general question was to be

<sup>1</sup> The debts owing from France to Dutchmen and refugees in Holland were estimated at a million gulden (Amst. Vrds. Res. 13/23 March, Gemeente Archief, Amsterdam).

<sup>2</sup> Res. Stat. Holl. 7/17 March, 10/20 April; Res. Amst. Vrds. 8/18, 13/23 March, 14/24, 17/27 April.

<sup>3</sup> 7/17 October 1690 (*Archives de la maison d'Orange-Nassau*, 3rd series, i. 99).

<sup>4</sup> His dispatch of 9/19 March (State Papers, For., Spain, 75).

<sup>5</sup> Dispatch of 16/26 April (*ibid.*).



reserved for the concurrence of the Dutch and the empire,<sup>1</sup> that is, it was to be let alone. Thus it was that the 'harsh and disrespectful' letter of Admiral Russell to William III in 1695 could be sent through France, either, as William suspected, in order that it might be opened, or, in Shrewsbury's more charitable interpretation, by mere inadvertence.<sup>2</sup>

At the end of the war, Aglionby was again employed on a postal mission, that of restoring the postal arrangements with France. Matthew Prior wrote to him :

My Lord [Portland] understands it that our putting down the Corunna packets was the condition we were to yield to in case the French came to reasonable terms, and if they do so, we cannot well insist upon their being kept up.<sup>3</sup>

It seems, however, that the French were not able to stop the direct communication between England and the Peninsula, in order that they might profit from acting as intermediaries. The service was maintained until the outbreak of the war of the Spanish Succession.<sup>4</sup> This fact is not without interest as marking the stage that had been reached in the development of European postal systems. Nor was this the only occasion on which the mutual exclusions of two belligerent areas caused an improvement of communications within the boundaries of each.

G. N. CLARK.

<sup>1</sup> Dispatch of 27 November/7 December (State Papers, For., Spain, 75).

<sup>2</sup> Coxe, *Shrewsbury Correspondence*, pp. 104-5.

<sup>3</sup> 30 March/9 April 1698 (*Longleat Papers, Hist. MSS. Comm.*, iii. 203 : see also *ibid.* iii. 200-1, 207).

<sup>4</sup> Chamberlayne, *Angliae Notitia*, 1700, p. 425; *Cal. of State Papers, Dom.*, 1702-3, p. 30.

## Notes and Documents

### *Monasterium Niridanum*

ABBOT HADRIAN, the companion of Archbishop Theodore, is said by Bede to have resided *in monasterio Niridano, quod est non longe a Neapoli Campaniae*.<sup>1</sup> The name was given in two of the oldest manuscripts as *Hiridano*, but John Smith made a note in the passage that other copies had *Niridano* and that this was correct: it is in fact the reading found in the great majority of manuscripts. Smith added that the place was near Monte Cassino;<sup>2</sup> but no such place is known to exist. Bede's later editors either repeat Smith's statement<sup>3</sup> or leave the name unexplained.<sup>4</sup>

1. At one time it occurred to me that *Niridano* might stand for *Neritino* (more properly *Neritio*), from *Neritum* (now Nardò) in Calabria. If this were so, it would be necessary to assume that Bede's informant described the locality in the most general terms and thought that to an Englishman any place in the south of Italy might be called 'not far from Naples'. There is in fact evidence of a flourishing school at Nardò at a later date, but I am afraid there is nothing to show that it was there in the seventh century. Antonio Ferrari, or Antonius Galateus (1444–1517), speaks of it as formerly (*quondam*) having been famous for its Greek studies and in particular for the beauty of its Greek handwriting. He adds that after the province passed from the Greeks to the Latins the school enjoyed great celebrity.<sup>5</sup> The

<sup>1</sup> *Hist. Eccl.* iv. 1.

<sup>2</sup> *Codices primaevae auctoritatis in hac voce differunt. Alii enim habent Niridano, et quidem recte. Locus est iuxta Montem Cassinum: adnot. ad Hist. Eccl.* iv. 1, p. 141, Cambridge 1722.

<sup>3</sup> So J. E. B. Mayor and J. R. Lumby, *Ven. Bedae Hist. eccles. gentis Angl. libr. iii, iv.* 292 (3rd ed., Cambridge, 1881), and Mr. C. Plummer, *Baedae Opera hist.* ii. 202 (Oxford, 1896).

<sup>4</sup> Thus G. H. Moberly, *Ven. Baedae Hist. eccles.*, p. 212 (Oxford, 1869), leaves the place unidentified. The suggestions he quotes of *Aretiano* and *Hadriano* are unsupported conjectures.

<sup>5</sup> *In hac urbe de qua nunc eloquimur, et gymnasium quondam fuit Graecarum disciplinarum tale, ut cum Mesapii Graeci laudare Graecas literas uolunt, Neritinas esse dicunt. Sunt enim hae literae perpulchrae, et castigatae, et iis quibus nunc utuntur impressores Orientalibus ad legendum aptiores. Inclinante Graecorum*

statements about the time at which the school first flourished are too vague to support any definite conclusion ; very likely it was not older than the fifteenth century.

The early history of the church of Nardò is very obscure. It is said that there were Greek bishops, whose succession was interrupted, and that in the middle of the eighth century the church was occupied by Basilian monks who were expelled from Constantinople by the iconoclastic emperor, Constantine V. The only authority cited is a bull of Paul I preserved in the original in the archives of the see, dated on 4 September in the Fifteenth Indiction, that is in 761.<sup>1</sup> An original bull of that date would be a unique discovery, and until it is produced I must decline to accept it. On the other hand, there is an antecedent probability that a monastery would be founded at a place of some consideration like Nardò, and if monks there were we need not doubt that they belonged to the eastern rite. It is said that in 1090 Urban II substituted Benedictine monks for them, but no precise reference is given for the statement.<sup>2</sup> In any case no evidence has been brought forward which would authorize us in carrying back the monastery at Nardò into the seventh century.

2. Leaving therefore Nardò out of account, I turn to a suggestion which has been favoured by many writers that the *monasterium Niridanum* was at Nisida, the 'little island' in the Bay of Naples, nearly over against Pozzuoli. This identification presumes that the information on which Bede relied was written in an insular handwriting, in which *s* and *r* are easily confounded ; so that *Nisidanum* was read *Niridanum*. The itacism in the first syllable is too familiar to call for comment, and the name has for centuries been spelled *Nisida* or *Nisita*. A change of accent has shortened the *i* in the second syllable. Nesis is known in classical times ; Cicero wrote one of his letters upon it,<sup>3</sup> and

fortuna, postquam a Graecis prouincia ad Latinos transmigravit, celeberrima Neriti hoc toto regno fuere literarum studia. Hanc urbem Sanseuerinorum familia armis et literis illustravit. Temporibus patris mei ab omnibus huius regni prouinciis ad accipiendum ingenii cultum Neritum confluebat. Omnis, si qua est in toto terrarum angulo disciplina, a Nerito ortum habuit. Hic literas didicere illa duo nostri seculi lumina, Robertus Lupinensis et Franciscus Neritinus : alter ecclesiasticorum declamatorum, omnium qui fuerunt, quique futuri sunt praestantissimus, alter Patauinae Academię pater. Hic et ego prima literarum fundamenta hausi.' Antonii Galatei Licienis [of Lecce] *Liber de Situ Iapygię* (Basle, 1558), pp. 122 f.

<sup>1</sup> See N. Coleti's addition to Ughelli, *Italia sacra*, i. 1039 (ed. Venice, 1717). Pietro Pompilio Rodota dates the Greek immigration from 741 : *Dell' Origine, Progresso e Stato presente del Rito Greco in Italia*, i. 388-96 (Rome, 1758). He supposes that the school mentioned by Galateus arose subsequently to the time of Paul I, and that the monks supplied the citizens of Nardò with an *accademia delle greche discipline*. All this seems to be purely conjectural.

<sup>2</sup> See G. Cappelletti, *Le Chiese d'Italia*, xxi. 463-9 (Venice, 1870).

<sup>3</sup> *Ad Atticum Epist.* xvi. 1.

Pliny commends its asparagus.<sup>1</sup> It has been by a mistaken identification supposed to be the island which Constantine the Great is said to have granted to the church of Naples, and local writers assure us that Nisida belonged to the archbishop down to the sixteenth century.<sup>2</sup> But Bede speaks not only of a monastery in which Hadrian dwelt but also of a convent of nuns in the neighbourhood.<sup>3</sup> Neither of these houses is certainly attested, and the evidence which has been drawn from the Lives of two saints in all probability has no relation to Nisida.

The Life of St. Patricia, a lady of Constantinople who lived in the middle of the seventh century under Constans II, has come down to us in two forms, and the age of neither has been ascertained.<sup>4</sup> One is said to be a translation from the Greek preserved in an imperfect Latin text; <sup>5</sup> the other was written by Leo, priest of the church of SS. Nicander and Marcian at Naples.<sup>6</sup> The manuscripts of both are of modern date. The 'Greek' Life relates that the saint when on a voyage was carried *ad Neapolitanas oras*, and as her death was approaching was taken 'to a certain little island' where the Body of our Lord was and is honoured, so that the place has taken from the church the name of Salvator.<sup>7</sup> The virgins who are mentioned appear to have been her attendants and do not necessarily imply the existence of a religious house. Leo in his Life speaks of the monastery of the Saviour and mentions the *fratres* but not the virgins.<sup>8</sup> All this story is extremely unsatisfactory. If there be any truth in it, it must refer, as we shall see and as the Bollandists long ago noted, not to Nisida but to the island of Megaris, afterwards made into a fortress by the Normans and now known as the Castello dell' Ovo, which has become a part of the city of Naples.

The second saint to whom I have alluded is Athanasius, archbishop of Naples, who lived in the ninth century. Of him also there are two biographies. The earlier one, by John the Deacon, forms a continuation of the Lives of the archbishops of Naples, which are contained in a fine uncial manuscript of about A. D. 800 in the Vatican Library (cod. 5007); John's part being

<sup>1</sup> *Hist. Nat.* xix. 8, § 146.

<sup>2</sup> Bart. Chioccarelli, *Antistitum Neapol. Eccl. Catal.*, p. 322, Naples [1643]; A. S. Mazochius, *Dissert. hist. de Cathedr. Eccl. Neapol. variis Vicibus*, pp. 5, 216 Naples, 1751.

<sup>3</sup> 'De vicino virginum monasterio': *Hist. Eccl.* iv. 1.

<sup>4</sup> *Acta Sanctorum*, Aug. v. 201 E; see the Life by Leo, § 3, *ibid.* p. 216 A. Older writers, as Chioccarelli, pp. 36 f., placed the saint in the fourth century.

<sup>5</sup> *Act. SS.*, Aug. v. 210-15; cf. p. 200 C, D.

<sup>6</sup> *Ibid.* pp. 215-19; cf. p. 200 D.

<sup>7</sup> 'Fertur itaque in parvam quamdam insulam in qua venerabile corpus Domini nostri Iesu Christi Salvatoris colebatur et colitur, sumens ipse locus denominationem ab ecclesia, Salvator nomine proprio appellatur: ' § 7, p. 212 D, E.

<sup>8</sup> § 7, p. 216 E.

written in a Beneventan hand of the first half of the tenth century.<sup>1</sup> It is the antiquity of the manuscript which gives interest to the reference in it to the monks of the island of the Saviour.<sup>2</sup> The other Life, which is anonymous and perhaps not much later in date,<sup>3</sup> and is preserved in a thirteenth-century manuscript in the Corsini Library at Rome (cod. 777), adds the statement that the island was hardly twelve *stadia* distant from Naples.<sup>4</sup> The importance of this latter notice is that it shows that in the language of a writer of the ninth or tenth century, whose work at any rate is preserved in a manuscript of the twelfth, the island of the Saviour was described as situate rather less than a mile and a half from Naples. This can only be the Castello dell' Ovo.<sup>5</sup>

Now Mazzochi, whose opinion was repeated by Waitz,<sup>6</sup> endeavoured to prove that the island of the Saviour was Nisida and was so named because it was the property of the cathedral church of the Saviour at Naples. It was necessary therefore to suppose either that the *stadium* as a measure of length had changed its meaning, or else that *xii* was a corruption for *xxii*.<sup>7</sup> He had, however, to admit that in later times, from the twelfth century onwards, the island of the Saviour was unquestionably the Castello dell' Ovo.<sup>8</sup> Consequently he produced a theory that the original monastery at Nisida had sent an offshoot to the Castello some time earlier, and that this had appropriated the name of the parent house. When he found an abbot of the monastery of the Saviour *insulae maioris de Neapoli* mentioned in a charter of 1202 cited by Capaccio,<sup>9</sup> he maintained that he belonged to Nisida. Mazzochi's course of argument, it is clear, involves a series of unproved assertions. Not merely from the twelfth century but as early as 937 the *monasterium insule Salvatoris*<sup>10</sup> or *monasterium sancti Salvatoris in insula maris*

<sup>1</sup> See G. Waitz's preface to the work, *Scriptores Rerum Langobard.* (Monum. Germ. hist.), p. 399 (1878), and E. A. Loew, *The Beneventan Script*, pp. 53, 74, 364 (Oxford, 1914).

<sup>2</sup> *Quasi convivium monachis insulae Salvatoris exhibiturus. . . In eandem ascendit insulam*: lxv. 435, ed. Waitz; *Acta Sanctorum Iulii*, iv. 76 c, § 8.

<sup>3</sup> Mazzochi erroneously held that this Life was not written until the eleventh century or later: see p. 36, n. 29, and p. 218, n. 27.

<sup>4</sup> p. 444, ed. Waitz; *Acta Sanctorum, Iulii*, iv. 81 c, § 14 (from another manuscript at Monte Cassino).

<sup>5</sup> Cf. *Napoli e i Luoghi celebri delle sue Vicinanze*, i. 482 f. (Naples, 1845).

<sup>6</sup> p. 444, n. 1.

<sup>7</sup> *Dissert. hist.*, p. 221.

<sup>8</sup> *Ibid.* pp. 221 ff. Mazzochi quotes Peter of Eboli, who died probably between 1212 and 1220: see G. B. Siragusa's preface to his *Liber ad honorem Augusti*, p. xviii. (Rome, 1906). Peter's verses, i. 945-56, state clearly that the Castello dell' Ovo *nomen Saluator habet*: p. 69.

<sup>9</sup> J. C. Capacius, *Neapolitana historia*, p. 408 (Naples, 1607).

<sup>10</sup> *Regii Neapolitani Archivi Monumenta*, i. (Naples, 1845) 101; B. Capasso, *Monum. ad Neapolit. Ducatus Historiam pertinentia*, II. i. no. 38 (Naples, 1885).

means a building on the island called the Castello dell' Ovo and no other building.<sup>1</sup>

3. In the *Liber Pontificalis*<sup>2</sup> the Emperor Constantine is recorded to have conferred *insula cum castro* upon the church of Naples. That the *insula* was Nisida was maintained with confidence by Mazzochi,<sup>3</sup> who on this point is followed by Monsignor Duchesne.<sup>4</sup> But the *castrum* is undoubtedly the *castrum Lucullanum*, and this was formerly identified with the Castello dell' Ovo.<sup>5</sup> It was a natural inference that the *insula* was the island on which the castle stood. Mazzochi successfully contested this opinion and placed the *castrum* on the mainland, only by a wild conjecture he transplanted it to the neighbourhood of Pozzuoli.<sup>6</sup> This conjecture has long been abandoned.<sup>7</sup> The *castrum* of Lucullus was a short distance to the north of the island, on the hill called Pizzofalcone between the coast and the Strada di Chiaja. It was to this castle or *oppidum* that the body of St. Severinus was taken in the fifth century,<sup>8</sup> and a monastery certainly existed there, as well as several churches, in the time of Gregory the Great.<sup>9</sup>

4. The attempt to prove that Nisida was the Insula Salvatoris has in fact been given up, and its failure has left the place from which Abbot Hadrian came unidentified.<sup>10</sup> But although the discussion has been confused by a great deal of irrelevant topography, I incline to believe that Bede's words do in fact refer to the island of Nisida. It is true that no monastery can be proved to have existed there,<sup>11</sup> but the documentary materials relative to the district in the earlier middle ages are extremely scanty. There are, however, grounds for believing that Nisida

<sup>1</sup> Under the Norman kings the monastery was removed to St. Peter's ad Castellum: see Capasso, II. ii. (1892) 172.

<sup>2</sup> xxxiv. 32, vol. i. 186, ed. L. Duchesne, Paris, 1886.

<sup>3</sup> *Dissert. hist.*, pp. 199-227. In his later work, *De sanctorum Neapolitanæ Ecclesie Episcoporum Cultu*, pp. 445-51 (Naples, 1753), Mazzochi discusses the passage in Bede, but does not add materially to what he had published in his *Dissertatio*.

<sup>4</sup> *Lib. pontif.* i. 200, note 118.

<sup>5</sup> Capaccio, p. 405; Chioccarelli, p. 87.

<sup>6</sup> *Dissert. hist.*, pp. 207-15.

<sup>7</sup> It was demolished by Chiarito in a work which I have been unable to consult. See *Napoli e i Luoghi celebri delle sue Vicinanze*, i. 483; and Capasso, II. ii. 171 f.

<sup>8</sup> In castello Lucullano: see Eugippius, *Vita S. Severini*, xlvi. 2, p. 65, ed. P. Knöll, Vienna, 1886. Eugippius is described by Isidore, *de Viris illustr.* xxxiv, as *abbas Lucullanensis oppidi*. The mistake that the monastery was on the island was repeated by Leimbach in Herzog and Hauck's *Realencyklopädie*, v. (1898) 591, and by the Rev. John Chapman, *Notes on the Early History of the Vulgate Gospels*, pp. 41, 44, Oxford, 1908.

<sup>9</sup> *Reg.* i. 23 [24], iii. 1, x. 7 [19]. Cf. Capasso, II. ii. 172.

<sup>10</sup> Cf. Luigi Parascandolo, *Memorie storiche-critiche-diplomatiche della Chiesa di Napoli*, ii. 23 (Naples, 1848).

<sup>11</sup> Dom G. Morin is perhaps alone in following Mazzochi in the assertion that 'il y a eu effectivement dans cette île un monastère qui a laissé çà et là quelques traces dans l'histoire, du septième au treizième siècle': *Revue Bénédictine*, viii. (1892) 482.

with a monastery on it came to be known by another name. Capasso, the leading authority on medieval Naples, found record of a monastery *sancti Archangeli de insula Gipei* in the eleventh century for which he could assign no place except on Nisida,<sup>1</sup> and the *ecclesia sancti Angeli de Zippio* is mentioned as a property of the archbishop of Naples in a writ of the Emperor Frederick II of the year 1240.<sup>2</sup> If this identification is correct we must suppose that Nisida acquired a new name some time after the seventh or eighth century. But whether this represents a place, Gipeum, as Capasso thought, or is taken from a person (as we find a Eugippius on the mainland near by), must be left undecided. It would be satisfactory if the home of the abbot who was the learned man of Archbishop Theodore's mission, and the founder of the Greek tradition of the school of Canterbury, could be discovered with certainty in the Bay of Naples.

REGINALD L. POOLE.

### *The Avranches Manuscript of Vacarius*

#### I. INTRODUCTORY

THE manuscript with which I propose here to deal was first identified as Vacarian by Omont's general catalogue in 1889,<sup>3</sup> where the entry runs as follows: 'Avranches N<sup>o</sup> 142 Vacarii liber ex universo iure exceptus. Plusieurs feuillets ont été coupés et déchirés . . . Incomplet de la fin "in hac lege culpa lata". XIII<sup>e</sup> siècle. Parchemin. 172 feuillets à 2 col. 382 sur 265 mil. Rel. veau noir.'

The lateness of Omont's discovery is easily accounted for by the absence of Vacarius's personal prologue<sup>4</sup> from the Avranches copy, an absence which makes the manuscript on a cursory inspection appear like a copy of the first nine books of the Codex of Justinian. As such MS. 142 figures in Delisle's catalogue (vol. iv) of 1872. The number 142 dates from 1869; previously it had been MS. 72 and book 2415. It is not mentioned in Bethmann's account of the Avranches Library,<sup>5</sup> but Ravaisson<sup>6</sup> had noticed it, and though he had observed the intermingling of extracts from the Digest, he still described it as 'Code de Justinien'. So did the local

<sup>1</sup> *Monum.* ii. ii. 183.

<sup>2</sup> Huillard-Bréholles, *Cod. dipl. Frid. II.* v. (1859) 960; cf. Capasso, ii. ii. 159, note 4.

<sup>3</sup> *Catalogue général des MSS. de France, Départements*, vol. x.

<sup>4</sup> For this see Wenck, *Magister Vacarius*, 1820, pp. 316 f.; Stölzel in *Zeitschr. für Rechtsgeschichte*, vi. 234 f.; Holland in *Oxford Hist. Soc. Collectanea*, ii. 167, n. 4. The passage is not in MSS. V, B, A, R.

<sup>5</sup> 1843. Pertz, *Archiv*, viii. 66 f., 378 f.

<sup>6</sup> *Rapports (Ouest)*, 1841, p. 275, no. 2415.

catalogue of about the same date,<sup>1</sup> and so had Montfaucon done in 1739: <sup>2</sup> '162 Cod. Justiniani, in fol.'<sup>3</sup> There appears to be no earlier catalogue of the great library of Mont St. Michel. I lay stress on this detail, because the Worcester Cathedral MS. suffered the same fate for the same reason at the hands of the cataloguers for many years, and it is possible that there are still codices unidentified, or at least small fragments. I may venture to warn learned readers still to be on the watch for manuscripts blending extracts of Digest and Code; for such is the first sign of a Vacarian codex.

The obvious echoing of Vacarius's preface, in the account of him given by the chronicler Robert of Torigny,<sup>4</sup> and the fact that the bulk of the important manuscript collection of Avranches comes from Mont St. Michel suggested that the Avranches MS. discovered by Omont might have actually belonged to Robert, who was an avid collector of books and in close touch with England. But, as Dr. Liebermann was careful to point out,<sup>5</sup> MS. Avranches 142 (= A) must in that case be at least twenty years older than is stated by the catalogue; for Robert died in 1186. The manuscript has been generously lent to me at the Bodleian Library by the French authorities, and there Dr. H. H. E. Craster confirms the opinion of the French palaeographer. The manuscript is of the first half of the thirteenth century, perhaps of the first quarter, but certainly not of the twelfth century.<sup>6</sup>

A is thus more recent than the Worcester Cathedral MS. Plut. 17 N 24 (= V), also generously lent to me by the dean and chapter, which Dr. Craster and Mr. Falconer Madan date about 1200. The other manuscripts I know at present only from descriptions. They are the Prague Cathedral copy (= P),<sup>7</sup> the Bruges No. 375<sup>8</sup> (= B), Wenck's description and partial publication of his lost manuscript (= W), besides a fourteenth-century manuscript at Königsberg and small fragments at Oriel, Merton, and All Souls Colleges, Oxford. I gather that P, like V, is older than A, while B and W may be about contemporary with it.

<sup>1</sup> Maximilien Raoul (Ch. Letellier), *Hist. pittoresque du Mont St. Michel*, pp. 234, 278.

<sup>2</sup> *Bibl. bibl. MS.*, 1357 (Catalogue of Mont St. Michel).

<sup>3</sup> I take the identification from the French catalogues of 1872 and 1889. I presume it to be based on the size of the codex, which is the only one described by Montfaucon as in folio; his 164 and 166 are in quarto, and are identified as the modern 141 (285 × 190 mil.) and 144 (230 × 165 mil.). The number 162 is entered fo. 1 r. in a modern hand.

<sup>4</sup> Ed. Delisle, i. 250; ed. Bethmann, *Mon. Germ. Hist., Scriptores*, vi. 498.

<sup>5</sup> *Ante*, xi. 45.

<sup>6</sup> Taking into account Bethmann's remarks on the development of writing at Mont St. Michel (Pertz, *Archiv*, viii. 69).

<sup>7</sup> Wenck, *Magister Vacarius*, pp. 61, 314-15; *Opusc. acad.*, p. 494; Savigny, *Geschichte*, 2nd ed., iv. 423; Stölzel, *ubi supra*.

<sup>8</sup> Laude, *Catal. des MSS. de la Bibl. pub. de Bruges*, p. 315, 'XIII<sup>e</sup> siècle'; Stölzel, *ubi supra*; and *Die Lehre von der Operis Novi Nuntiatio*.



I do not wish to anticipate the account of these manuscripts, which I hope to publish in an edition of Vacarius's work for the Selden Society. But it seems right to offer the following description of A, first because it has never been described, and my examination of it has yielded some results; also because it may give me the opportunity of publishing a specimen of the post-Vacarian glosses of A, which, while they have only a remote interest for an editor of Vacarius, may be of some importance for the general history of the gloss.

In order to make clear what follows, a few details about Vacarius's work are necessary. It consists of a text in nine books based on the first nine books of the Code of Justinian; the books are subdivided into titles composed of extracts from the corresponding titles of the Digest and Code. The text is supplemented by a gloss, which forms an integral part of the original work. This gloss consists mainly of further extracts from the same, and sometimes from other, titles, and also from the novels, the last generally in the summary forms (*Authenticæ Communes*). But this Vacarian gloss also contains unsigned original glosses. They are not very numerous, but they are the most important and characteristic part of the work, which for the rest is a chrestomathy. Naturally all the manuscripts contain an accumulation of later glosses, and the main problem of an editor of Vacarius is precisely to distinguish the primitive Vacarian gloss. One might expect A to be of less assistance in this matter than it actually is. Layers of subsequent gloss which would be distinguishable in their original manuscript might easily become indistinguishable in a copy. But as a matter of fact the organization of A is directed precisely to keeping the original Vacarian mass distinct.

I have collated book 1 of A as to the text and the main gloss carefully, and the rubrics of the other books generally, with occasional titles more in detail. There is a surprising agreement between V, W, and A. One of the problems raised by V is whether its numerous interlinear glosses are Vacarian. A's interlinear glosses are different, but some of V's interlinear glosses occur in A's main gloss, a fact which shows at least their considerable antiquity. W does not help here, as Wenck did not publish its interlinear glosses. There are details in which A agrees with V against W, but on one more important point A follows W against V. I think it clear, for reasons which I will explain shortly, that A is not descended from either V or W, but that a close connexion exists between it and P.

The connexion between P and the undoubtedly Norman A recalls Stölzel's conjecture<sup>1</sup> that P is the Le Bec codex reported

<sup>1</sup> *Zeitschrift für Rechtsgesch.* vi. 243.

by Montfaucon :<sup>1</sup> ' Libri ex universo enucleato iure excepti et pauperibus praesertim destinati . . . in fol.' P's title also has *excepti*, while Antonius Augustinus's burnt (Escorial) copy perhaps had *excerpti*.<sup>2</sup> True, P has *precipue* for *praesertim*, and we have no other authority for the real title. Besides this, Stölzel drew attention to a marginal gloss in P recording a right of fair granted by King John to the bishop of Norwich. This makes a connexion with Norwich, which was in the province of Canterbury and so in possible relation with Le Bec. To this may be added Benedictine, as opposed to Cistercian (B), glosses, and one gloss referring specifically to English law.<sup>3</sup>

This is a slender argument, though not, as Dr. Liebermann has said, no argument at all,<sup>4</sup> and it is not exactly confirmed by the connexion between P and A, for this suggests a Norman origin for P, whereas Stölzel's conjecture would require that the manuscript had an English origin, and travelled to Le Bec some time after the beginning of the thirteenth century and before Montfaucon's catalogue of 1739. Considering Vacarius's early connexion with Archbishop Theobald, Le Bec is on the contrary a likely place for a contemporary manuscript of Vacarius. Indeed, at first sight one might have expected 'Robert's copy' to be there. The entry in the chronicle is of 1149, and a letter of Robert's of 1183<sup>5</sup> expressly tells us that he left his chronicle for 1100-54 behind him, in the volume containing Eusebius, &c., and consequently only needed to send to Le Bec the chronicle for the last twenty-eight years out of the eighty-two. But it is worth noting that the paragraph about Vacarius is one of the many later additions made by Robert in the copy taken by him to Mont St. Michel (Avranches 159).<sup>6</sup>

Moreover, no Vacarius is registered in the two twelfth-century catalogues of Le Bec books,<sup>7</sup> of a donation by Philip, bishop of Bayeux (*ob.* 1163), and of the books of the *almarius* (librarian) respectively. These come from fly-leaves of Robert's Mont St. Michel copy of his chronicle. The first catalogue contains

<sup>1</sup> *Op. cit.*, 1254, no. 146.

<sup>2</sup> Antonius Augustinus, *Opera*, vii. 103 'Incerti auctoris breviarium, sive excerpta ex enucleato iure Digestorum, et Codicis, pauperibus Anglicis destinata, ac novem libris comprehensa. Regulae iuris. Liber in membranibus annorum CD. forma folii.'

<sup>3</sup> Stölzel, *Zeitschr. für Rechtsgesch.* vi. 241-2.

<sup>4</sup> *Ante*, xi. 310, n. 44.

<sup>5</sup> To the abbot of Le Bec, reproduced by Bethmann, p. 841, and Delisle, ii. 240.

<sup>6</sup> Bethmann, p. 498, notes of the paragraph 'in rasura'. Delisle, ii. 249-50, explains that the passage about Vacarius was inserted in place of some verses about the death of Lethardus, sixth abbot of Le Bec, but that by marginal marks its proper place, after the next entry about the election of Roger, seventh abbot, was indicated by Robert, though misunderstood by some later copyists.

<sup>7</sup> Ravaisson, pp. 375-95. They have been frequently reprinted, e.g. *Catal. gén.* ii. 375; Becker, *Catal. Bibl. Antiq.*; Migne, *Patrol. Lat.*, vol. 150, col. 768 ff.

some civil law (69–74), the second none. The second is spoken of by Ravaisson as a ‘catalogue des MSS. de l’Abbaye du Bec au temps de saint Anselme’, by Bethmann<sup>1</sup> as entitled by a late twelfth-century hand, by Delisle<sup>2</sup> as written by one of the monks who executed the Avranches copy of Robert’s chronicles. It would be odd if the catalogues were not Robert’s, but they do not prove that there were no other books at Le Bec. Then, too, he may have taken his Vacarius away with him to Mont St. Michel.

All direct proof of a Vacarius at Le Bec before 1739 disappears. But may not P be, after all, Robert’s Mont St. Michel copy, since A is too late? It will be interesting to see P, but I am inclined from Stölzel’s description to doubt its being old enough to have belonged to Robert.

## II. DESCRIPTION OF A

### (a) Exterior marks.

The binding is dark brown leather over paper boards, plain blind tooling on sides, gilt ornament on back and gilt title: MS. CODEX IVSTINIA; probably early seventeenth century.<sup>3</sup> There are three white slips of paper on the back, the one indecipherable, the other two bearing numbers 142 and 2199 respectively. The inside of the binding is covered with a sheet of paper, which, besides inventory entries of 1884 and 1892 and the stamp of the Avranches Library, bears the following older entries: At the top in faded ink no. 72, and below that No. Mod<sup>ne</sup>. 2199. In the centre Q.O.<sup>4</sup>—35 in faded ink. The inside of the binding at the end of the work is blank.<sup>5</sup>

There is a paper fly-sheet at each end of the book, the first loose and with the town stamp, the second blank. The watermark of both is a cardinal’s hat, more plausible and more elaborate than any shown by Briquet’s *Filigraanes* (up to 1600). There is a ribbon or cord round the crown showing two knots, while from the brim in front hang two clusters each of four tassels. Till 1600, according to Briquet, the cardinal’s hat is an exclusively Italian watermark, in fact in the sixteenth century exclusively Venetian. But I am informed that it is found later in connexion with Mazarin. Fo. 1 recto has ‘Chodex’ in a medieval hand to the left, and C O D in the centre and D 17 to the right in faded red by a later hand. The only other writings distinct from the work itself are no. 162 (modern hand) in the right margin, and the library stamp at the foot of the page. There are no identification marks at the end of the book, or elsewhere that I have found.

### (b) Contents of text. Lacunae.

The first thing that examination revealed was that there are 179, not 172 folios. The modern numbering (recto, top, right) misses a folio

<sup>1</sup> *Op. cit.* vi. 293.

<sup>2</sup> *Op. cit.* I. xlix.

<sup>3</sup> My authorities are Mr. Strickland Gibson and Mr. Gordon Duff.

<sup>4</sup> Or Q 2.

<sup>5</sup> See above, p. 545. I cannot explain some of the entries.

between 50 and 51, 59 and 60, 87 and 88, 88 and 89, 89 and 90, 153 and 154, 169 and 170. Another obvious fact is that, since the codex was in its present binding, three considerable series of folios have been wrenched out, namely at the beginning, between fos. 57 and 58, and at the end. Moreover, as the number of the book is written in coloured Roman numerals at the top of each recto, disorder in the binding is at once apparent. The folios are normally in sheaves of eight.

Fo. 1 a begins with the rubric *De Summa Trinitate* (Cod. 1, 1; V, W, 1, 1), followed by *Imperator cunctos populos* in alternate blue and red capitals. Fo. 1 is the first of a complete sheaf of eight; the missing *Prologus* must have occupied 4–5 folios ( $3\frac{1}{2}$  in P, probably 4 in V). If as in W, P there was an index (in B at the end; V, R defective) before the prologue, we may conjecture an avulsion of 8 folios, a complete sheaf.

Book 1 (fos. 1 a–12 a) and book 2 (fos. 12 a–34 b init.) are complete. Book 3 (fos. 34 b–57 b) is incomplete, owing to a gap created by an avulsion between fos. 57 and 58, fos. 56 and 57 being torn in the process. The gap is: fo. 57 b expl. ‘. . . non est ambiguum . . .’ (Cod. 3, 36, 18; V, W, 3, 49), fo. 58 a inc. ‘. . . qui in eam rem inpensi sunt . . .’ (Dig. 17, 2, 52, 15; V, W, 4, 38). Thus book 3 lacks 6 titles and a fraction at the end, and book 4 lacks 37 titles and a fraction at the beginning. The lost matter occupies V fos. 62 a, l. 17–93 b, l. 30, say  $31\frac{1}{2}$  folios. This means 35–40 missing folios in A, and as fos. 56 and 57 are the first of a sheaf of which the rest is gone and fo. 58 is the second of a sheaf complete but for one folio, the probability is that the actual number of missing folios is 39, made up of the 6 + 1 odd folios and 4 complete sheaves of 8.

Book 4 (fos. 58 a–83 b, col. 1) is in the remainder complete, as is book 5 (fos. 84 a–94 a). So is book 6, occupying fos. 94 a–114 b, with omission of fos. 110–13 which are correctly shown by the coloured numeral IX, recto top, to belong to book 9.

Book 7 (inc. fo. 115 a) is incomplete, even after the correct order of the folios is restored. The correct order is: 115, 116, | 119, 120, 117, 118, 123, 124, 121, 122, | 131–8 | 125 (book 7 expl. fo. 125 b). The gap is between fo. 116 b expl. ‘. . . in suo ultimo elogio . . .’ (Cod. 7, 15, 3; V, W, 7, 11) and fo. 119 a inc. ‘. . . tempus certum uel incertum . . .’ (Cod. 8, 54 (55), 3; V, W, 7, 19), covering the matter of V fo. 146 b, l. 21, to fo. 153 b, ll. 31, 32, i. e. over 7 folios. There is no sign that the present binding of A ever held the missing folios, which probably made a complete sheaf of 8, as fos. 115–16 are the 7th and 8th of a complete sheaf (fos. 105–16, fos. 110–13 interpolated), and as fo. 119 seq. in the order given above could be rebound as another complete sheaf.

Book 8 occupies fos. 125 b, 126–30, 139–68 a, but there is a gap between fo. 127 b (expl. ‘. . . post annum uero de eo quod . . .’ Dig. 43, 16, 1 pr.; V, W, 8, 12 init.) and fo. 128 a (inc. . . . ‘ possessionem estimandam quanti ipsa res est . . .’ Dig. 43, 17, 3, 11; V, W, 8, 14 fin.), corresponding to V fo. 171 a, l. 6 to fo. 172 b, l. 16, equivalent say to 2 folios of A. These 2 folios would complete a sheaf with A fos. 125–30 as its central double sheet; but there is no external evidence of a tear from the present binding. Book 9 runs without a break from fo. 168 a to fo. 172 b (expl. ‘. . . in hac lege culpa lata . . .’ Dig. 48, 8, 7; W, 9, 13; V def.), the end of the work

as at present bound, but, if we turn back to the misplaced fos. 110–13, we find ourselves with the words ‘ob instituendas lites pecuniam acceperint’ at the end of Dig. 48, 10, 9, 4. The marginal gloss at this point extracts Cod. 9, 25, 1, and we are in fact at W, 9, 18 (Wenck, p. 309). Fos. 110–13 are continuous; fo. 113 b expl. ‘... nam domestica furta ...’ (Dig. 48, 19, 11, 1; W, 9, 31, the penultimate title of W). We have thus, according to W, a gap between fo. 172 and fo. 110 of 4 titles and 2 fractions, and after fo. 113 a deficiency of 1 title and a fraction. The number of folios missing from book 9 could only be estimated from P and B. A fos. 163–72 are a complete sheaf of 10, and fos. 110–13 a complete sheaf of 4; there are no signs of tearing between fos. 113 and 114, but after fo. 172 it seems pretty clear that a number of folios have been torn out.

Summary. There are thus 179 not 172 folios, fos. 110–13 are out of place, and fos. 115–38 have to be rearranged. We then get the following lacunae:

1. At the beginning at least 4 folios containing the prologue, probably 4 more if we think an index probable here, a matter on which there can be no certainty.

2. Between fos. 57 and 58 probably 39 folios, covering V, W, 3, 49–55; 4, 1–38.

3. Between fos. 116 and 119 (rearranged) almost certainly 8 folios, covering V, W, 7, 11–19.

4. Between fos. 127 and 128 2 folios, covering V, W, 8, 12–14.

5. Between fos. 172 and 110 (rearranged) the matter of W, 9, 13–19.

6. After fo. 113 the matter of W, 9, 31–2, not to mention possible appendices such as the title *De Verborum Significationibus* (P, B) and *De Regulis Iuris*.<sup>1</sup>

I must mention here two points which arise from a comparison of the rubrics of A with those of V, W, P. The first is the position of the title *De Seruo Corrupto*, which in V, W follows *De Incendio, Ruina, &c.* (= V, W, 8, 59–60), whereas in P, A it is 10–11 titles later, last in book 8.<sup>2</sup> However this difference arose, whether by a scribe’s error or a deliberate rearrangement (the natural place for the title, one would think, would be after *De Furtis*: cf. Cod. 6, 2 *De Furtis et de Seruo Corrupto*), and whichever is the true Vacarian tradition, it establishes a clear link between P and A.

The second point is the position of the title *De Furtis* in the same book, which in A, W follows *De Priuatis Delictis* (W, 8, 54–5) with *De Iniuriis* later (= W, 8, 61), whereas V’s order is *De Priuatis Delictis, De Iniuriis, De Furtis* (= V, 8, 54–6). It is clear that A cannot be descended from V, but it is not clear which is the true Vacarian order, A’s, W’s, which is that of the Digest, or V’s, which by putting first the most fundamental delict, *iniuria*, furnishes an interesting anticipation of many modern text-books.<sup>3</sup>

(c) The organization of A’s page.

In giving the following description of an ordinary page of A, I could

<sup>1</sup> Ant. Augustinus’s codex. See p. 548, n. 2, above.

<sup>2</sup> I obtain my information as to P from Stölzel, *Zeitschrift für Rechtsgesch.* vi. (1867) 250, where, for ‘book 6’, ‘book 8’ should be read. He says that the title is nowhere in B.

<sup>3</sup> Girard, *Manuel*; Cuq, *Manuel*; Costa, *Diritto Privato Romano*.

save myself some trouble by simply copying Stölzel's description of P. The resemblance is striking, down to the system of reference marks, and, in conjunction with the position of *De Seruo Corrupto*, makes me as certain as I can be without actually seeing P, that there is a close connexion between the two manuscripts. The organization of V and of the still older Merton fragments is quite different.

There is a top margin of 40 mm., and an unusually deep bottom margin of 160 mm. Between these the writing is in 6 columns, 180 mm. high, and of the following breadths starting from the inner margin: col. 1 small-hand gloss 38 mm., cols. 2 and 3 text 42 mm. each, col. 4 small-hand gloss 44 mm., col. 5 main (Vacarian) gloss in same hand as text though smaller 28 mm., col. 6 small-hand gloss 38 mm. The columns are carefully ruled, but vary slightly in breadth from page to page. The main Vacarian gloss, for which col. 5 is reserved, always begins in the column spaces in the top margin above the columns of text, running on if necessary into col. 5 and into the bottom margin below the text. So long small-hand glosses often occur in the bottom margin. Interlinear glosses occur in the text frequently.

Connexion is made between text and Vacarian gloss by red letters, a, b, c, in alphabetical order, showing a piece of straight copying. A good example is fo. 31 a (a-q). For the small-hand glosses such marks as ÷ — o— are used. These glosses, of which I hope to give an example, are not later than the middle of the thirteenth century. They are very small, but beautifully written, and were inserted after the illumination, but before the glosses of a certain learned reader shortly to be mentioned.

The number of the book is shown at the top of each recto in roman numerals, red and blue alternately, the verso being headed V., red.

The space left for elaboration on the Vacarian work amounts to over three-quarters of the page. It was, perhaps, intended for the small-hand gloss actually inserted, which looks like a single piece of work, though never finished.

The glosses of the learned reader just referred to are in a not much later thirteenth-century unprofessional hand. After their completion their author proudly wrote (fo. 1 a top right margin): 'Omnes leges que in presenti compilatione continentur signate sunt sub titulis' ('hic contractis' added) 'prout in libris legalibus inueniuntur collocate.' The boast was true; not only had he filled in many rubrics omitted by the rubricator, but he had followed the Vacarian title inscriptions throughout the work and supplied them with the references to the proper titles of Digest or Code, the Vacarian inscription being now from one, now from the other, and sometimes divergent. They are just the sort of additions that a reader, familiar with his Corpus, but enjoying the convenience of Vacarius's 'select texts', would find useful.

I have not attempted to decipher the long and numerous fourteenth-century stilus glosses, which form a third mass; they are now very faint.

The illumination and rubrication of A is somewhat richer and much more profuse than V's. It must be remembered that A has probably lost its best illuminations, and that its blank spaces have been largely cut out. Even so, an average page presents a charming, though sober, colour-

scheme. Its chief features will be best brought out by a comparison with V. In V there is a red-letter title inscription followed by U or P or other the initial of the first jurist extracted, by I (*Imperator*), if the group of extracts is from the code. A similar coloured initial marks the transition from the one group of extracts to the other. The capitals are alternately red and blue, followed by a blue or red initial in the next word. I, P, M, &c., are often prolonged, and sometimes in two colours, and may have simple adornment. From about fo. 143 b green occurs as well. Minor divisions within titles are made by paragraph mark (§), never coloured. The beginning of a new book is celebrated by a much larger initial (U, P, I, &c.) highly adorned.

The scheme of A is fundamentally the same, but has the following elaborations. IMP (*Imperator*) are in alternate red and blue, the I, as well as U, P, &c., developing long arabesques of opposite colours. There is a coloured I for each constitution, red paragraph marks, and red initials of sub-extracts and of main glosses. Blue and red only are used.

Whoever planned A took Vacarius's work very seriously, and made no *Liber Pauuperum*. There are also signs of internal elaboration; though the text is not tampered with, yet by collation with a complete Corpus an extract is occasionally referred to its proper place by citation of the initial word of the *lex* at the head of sections, and of the section where the actual extract does not include that initial. I hope on some later occasion to give details respecting the small-hand gloss. I will only add here that it is incomplete. It covers book 1 and the first page of book 2. It resumes at the beginning of book 3, running as far as fo. 49 b. All that is extant of book 4 is very heavily glossed, and so is book 6. Books 5, 7, 8, and 9 are blank.

F. DE ZULUETA.

### *Exchequer and Wardrobe in 1270*

THE following document is pinned to the Close Roll of 1270 (54 Henry III).<sup>1</sup> It illustrates the difficulty found by the king in raising money at this time,<sup>2</sup> and perhaps also the 'bureaucratic disaffection' which has been noticed in another place, the chancery, at the same period.<sup>3</sup> One passage which deserves special attention is that in which the treasurer and chamberlains state that, since the king's departure, the receipts have amounted to one single penny. It seems possible, however, that from this sentence the word *non* has disappeared.

L. EHRLICH.

Cl. 87, m. 2<sup>r</sup> in cedula.

Excellentissimo domino suo H. dei gracia Regi Anglie illustri Domino Hibernie et Duci Aquitanie fideles sui Th. Thesaurarius et Camerarii

<sup>1</sup> A reference to it was made, with my consent, in *The London Mercury*, ii. 631.

<sup>2</sup> See Tout, *Chapters in Mediaeval Administrative History*, i. 316.

<sup>3</sup> *Ibid.*

sui de scaccario salutem et fidelia semper seruicia. Nouerit vestra dominatio<sup>1</sup> quod scrutatis ad mandatum vestrum Rotulis scaccarii vestri de Recepta et Brevibus : Inuentum est quod iam pridem debebatis diuersis mercatoribus de Ipr' mille quaterviginti decem libras decem et septem solidos et quatuor denarios. De quibus receperunt ad ipsum scaccarium sexaginta libras tantum. Et sic debentur eisdem adhuc : mille et triginta libre decem et septem solidi et quatuor denarii secundum tenorem breuium de Liberate que retroactis temporibus ad ipsum scaccarium sunt exhibita et adhuc remanent in eodem. Si autem ipsam pecuniam uel partem eiusdem alibi uel aliunde receperint : nescimus. Ad hec de centum marcis liberandis nunciis vestris ad partes transmarinas profecturis vt mandastis, nichil omnino facere possumus quia in vltimo recessu vestro a Westmonasterio : tulerunt Custodes Wardrobe vestre vobiscum quod non credimus vos latere quicquid tunc habuimus in Thesauro videlicet mille marcas preter pecunia[m] que [sic] prius liberaueramus in eadem Warderoba. Et ad operationes Westmonasterii et ad empciones eiusdem Wardrobe vestre et alibi per precepta vestra specialia : [e]t post ipsum recessum vestrum est vnicus denarius receptus in eodem scaccario preter quandam partem tallagii quod domine Regine assignastis quod non transit per manus nostras immo per manus clericorum suorum ad hoc specialiter deputatorum. Et quidem contra festum translacionis beati Eadwardi proximo preteritum recepimus a diuersis mercatoribus et Iudeis octingentas marcas de quibus nichil adhuc reddidimus nec est aliquis modo qui nobis aliquid nomine mutui tradere velit. Et sic nichil facere possumus nunciis predictis : quod nobis est molestissimum. conseruet vos dominus.

### *The Channel Islands Petitions of 1305*

IT will be remembered that in his introduction to the *Memoranda de Parlamento* the late Professor Maitland discussed the question of the completeness of the roll there printed (now Exchequer Parliament Roll 12) and showed that in its present form it is imperfect. He mentioned in particular (p. xxiii) the omission of the petitions from Gascony, for which receivers had been appointed, and also the omission of petitions relating to four matters which are dealt with in the *Placita* at the end of the roll. These are the Ordinance of Trailbastons, the dispute between the priors of Durham and Coldingham, proceedings against the abbot of Mont St. Michel, and proceedings against the men of Dover ; but the dispute between the priors is dealt with in a membrane formerly numbered T. G. 40451, now incorporated in the roll, and printed by Maitland (pp. 314 ff.). Another notable deficiency is the absence of any petitions from the Channel Islands. The roll mentions that John de Berewyk, Hervey de Staunton, William de Dene, William de Mortimer, and Roger de

<sup>1</sup> Interlined.



Beaufoy were appointed to hear petitions from Ireland and the Isle of Guernsey (p. 4). The Irish petitions are found on pp. 232-54, but none appear from any of the Channel Islands. It is also noticeable that one of the three questions dealt with in the Placita and not elsewhere in the roll is that relating to the abbey of Mont St. Michel, which ought to be mentioned among these petitions.

It does not appear to have been noticed that there is a document in the Bibliothèque Nationale at Paris which does fill this gap and does deal with the abbey of Mont St. Michel. This is MS. Lat. 9215, Mont St. Michel, no. 7, and was printed in 1878 by M. Julien Havet in his *Cours Royales des Îles Normandes* in the appendix (pp. 197-205). It is headed

Peticiones Insularum de Jereseye et Gernereye in parlamento domini regis apud Westmonasterium die dominica proxima post festum sancti Mathie Apostoli, anno regni regis Edwardi filii regis Henrici tricesimo tercio and ends

Responsiones facte ad peticiones Hibernie et Insularum Jereseye et Gerneseye exhibitas coram J. de Berewyk, H. de Staunton, Willelmo de Dene, Willelmo de Mortimer et Rogero Beaufou quos rex assignavit ad huiusmodi peticiones recipiendas, &c.

This corresponds with the list of auditors given in the roll.<sup>1</sup> It was, therefore, reasonable to suppose that this document was either a transcript of some missing membrane of our Exchequer Parliament Roll 12, or the missing part itself. I accordingly consulted M. Charles Bémont on this subject, and he has most kindly inspected the Paris manuscript on two separate occasions, and has compared it with a photostat copy of a part of the Parliament Roll (the upper portion of m. 12, containing the Irish petitions, which should naturally precede those from the Channel Islands). He has also most kindly enabled me to get a similar copy of the Paris manuscript.

On first inspecting the manuscript, M. Bémont considered that it probably was a fragment of the Parliament Roll: and comparison with the photostat strongly confirmed this view. The size and form of the document agree with those of the facsimile: the writing, the spacing, and the marginal marks correspond exactly. There is a hole (apparently for a filing-cord) in the document which corresponds with one in m. 12 of the Parliament Roll. This hole does not occur on the other membranes: but, although one would have expected such a schedule to be attached by sewing rather than by filing on a cord, it is possible that the Channel Islands petitions were attached to the Irish ones as a schedule, especially as the Paris manuscript

<sup>1</sup> *Memoranda*, p. cix.

shows no traces of needle-marks. It seems clear that the Paris manuscript is either a fragment of the Parliament Roll or a transcript by the same scribe of a part now lost. It remains to be considered how it came to its present resting-place. Little seems to be known of the history of the documents among which it is now to be found : but they all relate to Mont St. Michel. The proceedings against the abbot of Mont St. Michel form the subject of the longest of the petitions included in this document. It may be assumed, therefore, that before the roll was sewn up, the Guernsey membrane was detached and sent to Mont St. Michel as evidence in connexion with this dispute. It may of course be a transcript : but that does not explain how this particular membrane comes to be missing, nor why so much irrelevant matter was copied, nor why it corresponds so exactly with the other membranes in such essential matters as the spacing of the lines. The coincidence of the filing holes on this document and the membrane which should immediately precede it on the roll is also remarkable. The evidence in favour of identifying the Paris manuscript with a missing part of our Exchequer Parliament Roll cannot be regarded as conclusive, but the balance of probability seems to be very much on this side, especially as this view is supported by the authority of M. Bémont.<sup>1</sup>

R. L. ATKINSON.

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*A List of Original Papal Bulls and Briefs in the  
Department of Manuscripts, British Museum*

PART II

INNOCENT VIII (1484-92)

237. Rome, St. Peter's, 6 August 1487. Permission for malefactors taking refuge in sanctuaries and issuing thence to commit thefts, homicides, &c., to be taken out of sanctuary at the bidding of the king of England or his officers. FIRST LINE. *Ad perpetuam rei memoriam*. Silk threads of bulla. 'Romanum decet Pontificem'. [Wilkins, *Concilia*, iii. 621-2.] Cleop. E. iii, fos. 135 b-6.
238. Rome, St. Peter's, 20 September 1491. Confirmation of sale, by reason of its inconvenient distance from the hospital, of certain property of hospital called 'del Rey', administered by abness of Las Huelgas without the walls of Burgos ; the said property being in diocese of Toledo. FIRST LINE. *Ad perpetuam rei memoriam*. Bulla ; silk. 'Licet ea que'. Add. Ch. 24815.

<sup>1</sup> I am greatly indebted to my colleagues in the Public Record Office, especially Messrs. Hubert Hall and Charles Johnson, for advice and assistance in this matter : and I am particularly grateful to M. Bémont for the very great personal trouble he has taken to answer my inquiries

## ALEXANDER VI (1492-1503)

239. Corneto, 12 November 1493. Mandate to provost of St. Mary's, Namur, and dean of St. James's, Louvain, to inquire into case of Walter Huts, scholar of Louvain University, against Belia Cluts; the said Walter having appealed to Holy See against judgement of abbot of St. Gertrude's. Alexander. Holes (2) for threads of bulla. 'Sua nobis dilectus'. Harl. Ch. 75 E. 2.
240. Rome, St. Peter's, 15 March 1495/6. Mandate to abbots of St. James's, Erfurt ('Scottorum Erfurden. '), and St. Giles's, Brunswick, to try suit of Johann Harmesborch de Gronaw, priest, diocese Hildesheim, against certain persons of the same diocese, he having alleged that owing to their power he is unable to proceed against them at Hildesheim. Alexander. Holes (2) for threads of bulla. 'Conquestus est nobis'. Add. Ch. 19553.
241. Rome, St. Peter's, 13 February 1497/8. Dispensation for marriage of Arthur, prince of Wales, and Catherine of Aragon, both parties being under age. FIRST LINE. *Ad futuram rei memoriam*. Silk threads of bulla. 'Apostolice sedis gratiosa'. Cleop. E. iii, fos. 146 b-7. *Damaged in the middle fold*.
242. Rome, St. Peter's, 21 December 1498. Confirmation of bull of Innocent VIII (Rome, St. Peter's, 27 April 1486, 'Romanus Pontifex in' [Rymer, *Foedera*, ed. 1739-45, v, pt. 3, pp. 173-4]) giving dispensation for marriage of Henry VII of England and Elizabeth of York. FIRST LINE. *Ad futuram rei memoriam*. Silk threads of bulla. 'Licet ea que'. Cleop. E. iii, fos. 149 b-50.
243. Rome, St. Peter's, 12 June 1500. Confirmation, under pain of interdict, of a bond [Rymer, *Foedera*, ed. 1739-45, v, pt. 4, p. 126] by Louis XII of France to Henry VII of England for payment of moneys owing by his predecessor Charles VIII. FIRST LINE. *Ad futuram rei memoriam*. Silk threads of bulla. 'Illius uices licet'. Cleop. E. iii, fos. 152-3.
244. Rome, St. Peter's, 21 May 1503. Dispensation to John Brereton, clerk, diocese Coventry and Lichfield, to hold any two benefices. ALEXANDER. Holes (2) for threads of bulla. 'Nobilitas generis uite'. Stowe Ch. 582.

## JULIUS II (1503-13)

245. Rome, St. Peter's, 20 May 1504. Mandate to archbishop of Canterbury and bishops of Winchester, Durham, and London to inquire concerning life and miracles of Henry VI of England, with a view to his canonization. Julius. Bulla; string. 'Diuine prouidentie altitudo'. Cleop. E. iii, fos. 164 b-5.
246. Rome, St. Peter's, 9 August 1504. Provision of Richard [Mayhew], bishop elect, to see of Hereford. Julius. Bulla; string. 'Diuina disponente clementia'. Harl. Ch. 111 A. 37.
247. Rome, St. Peter's, 15 October 1507. Incorporation, at the request of John Yonge, rector of free chapel of St. John Baptist in South Weald, of church of St. Mary-le-Bow, London, in the said chapel so long as the said John shall hold it. FIRST LINE. *Ad futuram*

- rei memoriam*. Bulla lost. 'Romanum decet Pontificem'. Harl. Ch. 43 A. 50.
248. Rome, St. Peter's, 16 April 1510. Indulgence for penitents visiting at certain festivals chapel of SS. Timothy, Symphorianus, and Catherine of Siena in church of Dominicans of the Palais at Geneva. JULIUS. Bulla; silk. 'Licet is de'. Add. Ch. 12798.
249. Ravenna, 21 March 1510/11. Dispensation to John Goderych, rector of All Saints, Middleton Cheney, to hold with that rectory the chaplaincy of Sponnes Chantry in the parish church of Towcester, or any one or two benefices in lieu of one or two of these; with absolution for perjury incurred in acquiring the said chaplaincy contrary to terms of the foundation. JULIUS. Holes (2) for threads of bulla. 'Sedes apostolica pia'. Stowe Ch. 583.
250. Rome, St. Peter's, 29 January 1511/12. Dispensation to Brian Hegdon, LL.D., rector of Bucknell ('Bukenchul'), to hold a third benefice in addition to the said rectory and any other benefice he may hold. JULIUS. Holes (2) for threads of bulla. 'Litterarum scientia uite'. Stowe Ch. 584.
251. Rome, St. Peter's, 13 March 1512. Brief to Henry VIII concerning dispute between archbishop of Canterbury and bishop of Winchester. Anulus Piscatoris lost. 'Ex dilecto filio'. [*Letters and Papers*, i, 3066, p. 334.] Vit. B. ii, fos. 23 b-4. *Imperfect*.

## LEO X (1513-21)

252. Rome, St. Peter's, 5 September 1513. Dispensation to Miles Spensar, clerk, diocese Carlisle, in his nineteenth year, to hold any two benefices and, when he reaches twenty-three, a third. LEO. Holes (2) for threads of bulla. 'Uite ac morum'. Stowe Ch. 585.
253. Rome, St. Peter's, 29 November 1513. Brief to Henry VIII authorizing removal of body of James IV of Scotland to London and its burial in St. Paul's, notwithstanding he had incurred sentence of excommunication for breach of treaty. Anulus Piscatoris lost. 'Cum clare memorie'. [*Letters and Papers*, i, 4582, p. 705; J. Hergenroether, *Leonis X . . . Regesta*, i, 5534, p. 346.] Vit. B. ii, fos. 60 b-1. *Imperfect*.
254. Rome, St. Peter's, 17 December 1513. Brief to Henry VIII urging peace. Anulus Piscatoris lost. 'Et eis ex'.<sup>1</sup> [*Letters and Papers*, i, 4605, p. 709.] Vit. B. ii, fos. 62 b-3. *Imperfect*.
255. Rome, St. Peter's, 1 March 1514. Brief to Henry VIII accompanying gift of sword and cap. Anulus Piscatoris lost. 'Imitati vetus institutum'. [*Letters and Papers*, i, 4835, p. 754; Hergenroether, i, 7008, p. 445.] Vit. B. ii, fos. 77 b-8. *Slightly damaged*.
256. Rome, St. Peter's, 30 March 1514. Brief to Henry VIII on behalf of Gonsalvo Pinto, whose family<sup>2</sup> was taken prisoner by the infidels. Anulus Piscatoris lost. 'Cum dilectus filius'. [*Letters and Papers*, i, 4922, p. 774; Hergenroether, i, 7635, p. 484.] Vit. B. ii, fos. 79 b-80. *Imperfect*.

<sup>1</sup> Rymer begins with 'Eis', omitting the 'Et'.

<sup>2</sup> Not his father, as Brewer states; his father was killed.

257. Rome, St. Peter's, 17 August 1514. Brief to Henry VIII announcing death of Cardinal Bainbridge. Anulus Piscatoris lost. 'Obiit diebus preteritis'. [*Letters and Papers*, i, 5333, p. 860.] Vit. B. ii, fos. 101 b-2. *Imperfect*.
258. Rome, St. Peter's, 31 October 1514. Brief to Henry VIII on appointment of Andreas Ammonius, the king's Latin secretary, as collector in England. Anulus Piscatoris lost. 'Superioribus diebus Maestatis'. [*Letters and Papers*, i, 5538, p. 914; Hergenroether, i, 12465, p. 762.] Vit. B. ii, fo. 128. *Imperfect*.
259. Rome, St. Peter's, 11 November 1514. Brief to doge of Genoa recommending Julius de Castellanis as consul at Rome. Traces of Anulus Piscatoris in red wax. 'Etsi commendari non'. Add. MS. 24214, fo. 3.
260. Undated [c. 1515]. Order to exchange a Turkish prisoner for Lorenzo Corso, captured by the Turks. With the pope's *autograph* 'placet et ita motu proprio mandamus' at the foot. No trace of seal. *Paper*. 'Cum superioribus diebus'. Add. MS. 23721, fo. 9.
261. Rome, St. Peter's, 22 April 1515. Brief to Henry VIII apologizing for appointment of archbishop of St. Andrew's as nuncio and legate *de latere*. Anulus Piscatoris lost. 'Intelleximus ex litteris'. [*Letters and Papers*, ii, 365, p. 111; Hergenroether, ii, 15101, p. 74.] Vit. B. ii, fo. 161. *Imperfect*.
262. Rome, St. Peter's, 27 July 1515. Absolution to Nicholas West, dean of Windsor, on his promotion to see of Ely. LEO. Bulla lost. 'Apostolice sedis consueta'. [*Letters and Papers*, ii, 755, p. 199; Hergenroether, ii, 16705, p. 152.] Vit. B. ii, fo. 191. *Somewhat damaged*.
263. Rome, St. Peter's, 30 August 1515. Brief to Henry VIII asking for release of Polydore Vergil. Anulus Piscatoris lost. 'Commendauimus aliis nostris'. [*Letters and Papers*, ii, 865, p. 237.] Vit. B. ii, fos. 197 b-8. *Imperfect*.
264. Bologna, 13 December 1515. Creation of Wolsey cardinal tituli sancte Cecilie Transtiberim. LEO. Bulla lost. '... m exquisitam tue'. [Apparently not in *Letters and Papers*.] Vit. B. ii, fos. 231 b-2. *Imperfect*.
265. Rome, St. Peter's, 10 July 1516. Brief to Henry VIII asking him to send professors of theology and astronomy to assist in proposed correction of the calendar. Anulus Piscatoris lost. 'Cum doctorum virorum'. [*Letters and Papers*, ii, 2148, p. 647.] Vit. B. iii, fos. 57 b-8. *Imperfect*.
266. Rome, St. Peter's, 19 November 1516. Brief to Henry VIII on proposed agreement among Christians against the infidels. Anulus Piscatoris lost. Initium uncertain owing to mutilation. [*Letters and Papers*, ii, 2564, p. 797.] Vit. B. iii, fos. 103 b-4. *Badly mutilated*.
267. Rome, St. Peter's, 22 December 1516. Brief to Wolsey ordering him to hear case of bishop of Coventry and Lichfield against John [Birchenshaw], abbot of St. Werburgh's [Chester], and Humphrey

- Bonner. Anulus Piscatoris lost. ['Exponi nobis nuper'.<sup>1</sup>] [*Letters and Papers*, ii, 2692, p. 848; Dugdale, *Monasticon*, ed. 1817-30, ii, 390.] Vit. B. iii, fos. 116 b-17. *Imperfect*.
268. [Rome], St. Peter's, 19 May 1517. Brief to Henry VIII announcing arrest of two cardinals for conspiring against the pope's life. Anulus Piscatoris lost. 'Cum comperiissemus dilectos'. [*Letters and Papers*, ii, 3261, p. 1045.] Vit. B. iii, fos. 171 b-2. *Imperfect*.
269. Rome, St. Peter's [20 June 1517].<sup>2</sup> Brief to Henry VIII asking credence for Nicholas Scomber, sent to request aid for Holy See against the enemies of the church. Anulus Piscatoris lost. 'Non ueremur ne'. [*Letters and Papers*, ii, 3382, p. 1080.] Vit. B. iii, fos. 186 b-7. *Imperfect*.
270. Rome, St. Peter's, 24 August 1517. Brief to bishop of Coventry and Lichfield enjoining him to collect one entire tenth of all clergy in his diocese, to assist the Holy See in the war against the duke of Urbino. Anulus Piscatoris lost. ['Compellit nos urgens'.<sup>3</sup>] [*Letters and Papers*, ii, 3619, p. 1146.] Vit. B. iii, fos. 200 b-1. *Imperfect*.
271. Rome, St. Peter's, 24 August 1517. Brief, to the same effect, to bishop of Exeter. Anulus Piscatoris lost. [*Letters and Papers*, ii, 3618, p. 1146.] Vit. B. iii, fos. 202 b-3. *Imperfect*.
272. Rome, St. Peter's, 24 August 1517. Brief, to the same effect, to bishop of Winchester. Anulus Piscatoris lost. [*Letters and Papers*, ii, 3620, p. 1146.] Vit. B. iii, fos. 204 b-5. *Imperfect*.
273. Rome, St. Peter's, 3 September 1517. Dispensation to John Wilbore, perpetual vicar of Lamberhurst and Hartley, to hold in addition mastership of hospital of St. Mary of Strood. LEO. Silk threads of bulla. 'Religionis zelus uite'. Stowe Ch. 586.
- 274.<sup>4</sup> [Rome], St. Peter's, 'Quarto . . . Iunij', 1519. Commission to [Wolsey] to investigate and correct, along with Campeggio, abuses in English religious houses. LEO. Bulla lost. 'Nuper (?) . . .' [Apparently not in *Letters and Papers*.] Vit. B. iv, fos. 244 b-7. *Imperfect*.
275. Rome, St. Peter's, 4 June 1519. Brief to Henry VIII in reply to letter from him. Anulus Piscatoris lost. 'Ex litteris maiestatis'. [*Letters and Papers*, iii, 284, p. 98.] Vit. B. iv, fo. 10. *Slightly imperfect*.
276. Corneto, 17 November 1519. Dispensation to William Varre

<sup>1</sup> Taken from Rymer and Dugdale; the early part of the brief is now lost.

<sup>2</sup> From Rymer; the date is now incomplete in the original.

<sup>3</sup> From Rymer. The initium is not now fully preserved in any one of the three original briefs.

<sup>4</sup> This bull is at present in eight fragments, all much damaged by the fire of 1731. On being recovered and mounted they were wrongly placed, the two left-hand and the two right-hand fragments being put together (fos. 244 and 245), while the middle ones form a separate sheet (fos. 246 and 247); but there can be no doubt that all eight fragments belong to the same document. The bull is not given by Rymer and is apparently ignored by Brewer. It is not mentioned in the life of Wolsey given in the *Dictionary of National Biography*, vol. lxii, but reference is made (pp. 329-30) to various grants to Wolsey of powers to visit monasteries.

- [l. Warre ?<sup>1</sup>], rector of Otterhampton, to hold that benefice or another in lieu of it, though he is in his twenty-first year and has lost the sight of one eye. LEO. Holes (2) for strings of bulla. 'Sedes apostolica pia'. Stowe Ch. 587.
277. 'In villa [Manliana', 2 May] 1520. Brief to Henry VIII on behalf of bishop of Ascoli, on a mission to England. Anulus Piscatoris lost. 'Mittimus ad Maiestatem'. [*Letters and Papers*, iii, 780, p. 274.] Vit. B. iv, fo. 60. *Imperfect*.
278. Magliana ('Malliani Portuen. dioc.'), 10 May 1520. Incorporation of church of Shirland in that of Thornhill so long as Thomas Alen, present rector, shall hold the latter. FIRST LINE. *Ad futuram rei memoriam*. Holes (2) for threads of bulla (one of the holes has almost disappeared by the wearing of the vellum). 'Romanum decet Pontificem'. Stowe Ch. 589. *Damaged in places*.
279. Rome, St. [Peter's], 3 June 1520. Brief to Henry VIII on the Turkish threat to Rhodes. Anulus Piscatoris lost. 'Superioribus diebus quod'. [*Letters and Papers*, iii, 856, p. 299.] Vit. B. iv, fo. 43. *Imperfect*.
280. Rome, St. Peter's, 13 July 1520. Dispensation to William Warham,<sup>2</sup> archdeacon of Canterbury, to hold provostship of Wingham without residence. LEO. Holes (2) for threads of bulla. 'Uite ac morum'. Stowe Ch. 590.
281. Corneto, 12 November 1520. Confirmation of dispensation from Julius II (Rome, St. Peter's, 5 August 1508, 'Litterarum scientia uite') to John Smyth, clerk, portioner of Tidcombe<sup>3</sup> in Tiverton parish church, to hold also two other benefices. FIRST LINE. *Ad futuram rei memoriam*. Holes (2) for threads of bulla. 'Prouisionis nostre debet'. Stowe Ch. 591.
282. Corneto, 17 November 1520. Dispensation to Thomas Payn, rector of East Wretham, to hold also one other benefice. LEO. Bulla lost. 'Litterarum scientia uite'. Stowe Ch. 592.
283. Rome, St. Peter's, 18 March 1520/1. Dispensation to Richard Benson, rector of one out of the three portions of Burford church, to hold also two other benefices. LEO. Silk threads of bulla. 'Uite ac morum'. Stowe Ch. 588.
284. Rome, St. Peter's, 11 October 1521. Grant to Henry VIII of title of Defender of the Faith. Leo. Rota, subscription. Bulla lost.<sup>4</sup> 'Ex superne dispositionis'. [*Letters and Papers*, iii, 1659, p. 692; *Magnum Bullarium Romanum*, Aug. Taur., v, pp. 773-5.] Vit. B. iv.\* *Much damaged and imperfect*.

<sup>1</sup> Warre seems a likelier name than Varre; and see no. 280 below.

<sup>2</sup> In the manuscript given as 'Villemo Varhm'.

<sup>3</sup> The *Cat. of the Stowe MSS. in the British Museum* gives the form of the name in the manuscript as Tittcombe, but the first letter is in all three cases quite unlike T, though somewhat different from D. An examination with a magnifying glass gives what is, I believe, the explanation: the scribe of the papal chancery wrote D (or in the first case probably O), and another hand has tried (rather unsuccessfully), by extending the top stroke to the right, to alter the letter to T.

<sup>4</sup> It was preserved before the fire of 1731, and Rymer (ed. 1739-45, vi, pt. 1, opposite p. 199) gives a facsimile of it.

## ADRIAN VI (1522-3)

285. Saragossa [c. May 1522]. Brief to Wolsey on peace and promising extension of legateship for five years. Anulus Piscatoris lost. Initium lost. [*Letters and Papers*, iii, 2298, p. 974.] Vit. B. v, fo. 208. *Very imperfect.*
286. [Summer of 1522.]<sup>1</sup> Brief to Wolsey urging peace. Anulus Piscatoris lost. Initium illegible. [*Letters and Papers*, iii, 2606, p. 1105.] Vit. B. v, fo. 55. *Very imperfect.*
287. Rome [perhaps 6 September 1522]. Brief to Henry VIII urging peace. Anulus Piscatoris lost. Initium lost. [*Letters and Papers*, iii, 2510, p. 1064.] Vit. B. v, fo. 82. *Very imperfect.*
288. 6 September<sup>2</sup> [1522]. Instructions to Bernardino Bartholotto, nuncio to England. *Signed, and with heading, probably in the pope's hand. Paper.* 'Ante omnia dilectum'. [*Letters and Papers*, iii, 2508, p. 1063.] Vit. B. v, fo. 108.
289. Rome, St. Peter's [c. 9 October<sup>3</sup> 1522]. Brief to Henry VIII urging peace. Anulus Piscatoris lost. Initium lost. [*Letters and Papers*, iii, 2605, p. 1105.] Vit. B. v, fo. 107. *Very imperfect.*
290. Rome, St. Peter's, 13 November 1522. Brief to Henry VIII asking for release of Venetian galleys intended for conveyance of Charles V, emperor elect, to Spain, which had been detained in England. Traces of Anulus Piscatoris in red wax. 'Pridem litteris nostris'. [Not in *Letters and Papers*, which, however, notes a brief to Wolsey, to the same effect.] Add. Ch. 12799.
291. [23 February 1523.]<sup>4</sup> Instructions to Wolsey, on the fall of Rhodes and the necessity for peace in Christendom. *Signed. Paper.* 'In primis salutabis'. [*Letters and Papers*, iii, 2849, p. 1196.] Vit. B. v, fos. 166-7 b.
292. Rome, St. Peter's, 1 May 1523. Brief to [Henry VIII] urging a three years' truce. Anulus Piscatoris lost. Initium lost. [*Letters and Papers*, iii, 2996, p. 1265.] Vit. B. v, fo. 169. *Very imperfect.*
293. [May 1523.] Brief to Henry VIII on the same subject. Anulus Piscatoris lost. Initium lost (?).<sup>5</sup> [*Letters and Papers*, iii, 2997, p. 1265.] Vit. B. v, fo. 204. *Very imperfect.*
294. Rome, St. Peter's, 9 June 1523. Incorporation of perpetual vicarage of Marshfield in canonry and prebend of Abergwilly so long as Thomas Parker, present canon, shall hold the latter. **FIRST LINE.**

<sup>1</sup> Placed by Brewer under 9 October, but it must be before 1 September (when Adrian was crowned), since it is dated not 'pontif. nri.', but 'suscepti a nobis officii apostolatus'. A comparison with 285 suggests that the latter is the earlier, but this is not certain.

<sup>2</sup> Added at the top, in the margin, perhaps but not certainly in the same hand as the text.

<sup>3</sup> So Brewer. It is certainly after 1 September.

<sup>4</sup> So Brewer. The date seems assured by a comparison with Vit. B. v, fo. 165 (*Letters and Papers*, 2848), a letter, in Spanish, to Catherine of Aragon on the same subject.

<sup>5</sup> The first words legible are 'prolixis litteris nostris', but these do not seem to form the initium.



- Ad futuram rei memoriam.* Holes (2) for threads of bulla. 'Romanum decet pontificem'. Stowe Ch. 593.
295. [Rome], 16 July 1523. Brief to Henry VIII commending his devotion to the church and asking for his assistance. Anulus Piscatoris lost. 'Cum nobiscum reputamus'. [*Letters and Papers*, iii, 3185, p. 1328.] Vit. B. v, fo. 226. *Very imperfect.*
296. Rome, St. Peter's, 30 July 1523. Dispensation to Arthur Dudley, rector of one portion of first moiety of Malpas parish church, to hold the said portion, though he did not proceed to the priesthood when eligible, and with it one other benefice. ADRIANUS. Silk threads of bulla. 'Sedes apostolica pia'. Stowe Ch. 594.
297. Rome, St. Peter's [August 1523]. Brief to Henry VIII announcing appointment of Sylvester [Darius] as nuncio in England. Anulus Piscatoris lost. Initium lost. [*Letters and Papers*, iii, 3285, p. 1368.] Vit. B. v, fo. 228. *Very imperfect.*

## CLEMENT VII (1523-34)

298. Rome, St. Peter's, 16 May 1524. Brief to Henry VIII on decisions of diet of Nuremberg. Anulus Piscatoris lost. 'In omni euentu'. [*Letters and Papers*, iv, 336, p. 139.] Vit. B. vi, fo. 85. *Damaged and slightly imperfect.*
299. Rome, St. Peter's, 29 (?)<sup>1</sup> November, 1524. Brief to Henry VIII on behalf of Order of St. John of Jerusalem. Anulus Piscatoris lost. 'Cum nuper postquam'. [*Letters and Papers*, iv, 894, p. 391.] Vit. B. vi, fo. 264. *Imperfect.*
300. Rome, St. Peter's, [29 November] 1524. Brief to [Wolsey] announcing recommendation of Campeggio to see of Salisbury, &c. Anulus Piscatoris lost. 'Quod aliquot suis'. [*Letters and Papers*, iv, 884, p. 389.] Vit. B. vi, fo. 274. *Imperfect and much damaged.*
301. Rome, St. Peter's, 4 December 1525. Dispensation to Richard Parker, clerk, diocese Exeter, now in his eleventh year, to hold living of Moreton Hampstead *in commendam* till he attains his eighteenth year and by title afterwards. CLEMENS. Holes (2) for threads of bulla (repaired). 'Laudabilia tue puerilis'. Stowe Ch. 595.
302. Rome, St. Peter's, 26 February 1526. Brief to Henry VIII announcing appointment of Uberto di Gambara as nuncio in place of Melchior Langus. Slight traces of Anulus Piscatoris in red wax. 'Coniunctio nostra, quae'. [Not in *Letters and Papers*, which, however, notes a brief to Wolsey, to the same effect.] Add. Ch. 12800.
303. Rome, St. Peter's, 23 April [15]26. Brief to — [Henry VIII ?] on Turkish threat to Hungary. Anulus Piscatoris lost. Initium lost. [*Letters and Papers*, iv, 2119, p. 951.] Vit. B. viii, fo. 33. *Very imperfect.*
304. Rome, St. Peter's, 19 July 1526. Brief to Henry VIII asking credence for G. Batt. Sanga. Anulus Piscatoris lost. 'Nunquam

<sup>1</sup> Brewer leaves the day uncertain, but the visible figures are x[ ]iiii (of the first i only the spur at the bottom remains), and Clement sent several letters to England and Scotland on 29 November; see *Letters and Papers*, iv, p. 389.

- nos fefellit (?)'. [*Letters and Papers*, iv, 2327, p. 1044.] Vit. B. viii, fo. 120. *Imperfect*.
305. Rome, St. Peter's, 23 September<sup>1</sup> 1526. Brief to Henry VIII asking for assistance [against the emperor]. Anulus Piscatoris lost. 'Etsi grauissimae . . .' [*Letters and Papers*, iv, 2504, p. 1116.] Vit. B. viii, fo. 152. *Imperfect*.
306. Rome, St. Peter's, 9 November [1526]. Brief to Henry VIII thanking him for sympathy, &c. Anulus Piscatoris lost. Initium illegible. [*Letters and Papers*, iv, 2617, p. 1161.] Vit. B. viii, fo. 181. *Very imperfect*.
307. Ro[me, St. Peter's], 9 November [1526]. Brief to [Wolsey], of similar tenor to the last. Anulus Piscatoris lost. Initium lost. [*Letters and Papers*, iv, 2618, p. 1161.] Vit. B. viii, fo. 19. *Very imperfect*.
308. Rome, St. Peter's, 16 [February] 1527. Brief to Wolsey on behalf of P. de Villers Lisle Adam and the knights of St. John. Anulus Piscatoris lost. 'Locutus nobiscum est'. [*Letters and Papers*, iv, 2889, p. 1291.] Vit. B. ix, fo. 61. *Imperfect*.
309. Rome [St. Peter's?], 4 April 1527. Brief to James V of Scotland revoking letter in favour of James Melvil, a Friar Minor. Anulus Piscatoris lost. 'Licet nuper per'. [*Letters and Papers*, iv, 3019, p. 1356.] Vit. B. ix, fo. 95. *Damaged and slightly imperfect*.
310. Orvieto, 14 December 1527. Brief to Wolsey on regaining his liberty. Anulus Piscatoris lost. 'Et si liberationem'. [*Letters and Papers*, iv, 3658, p. 1641.] Vit. B. ix, fo. 215. *Imperfect*.
311. Orvieto, 18 December 1527. Letter to [Henry VIII] asking credence for bishop-elect of Tortona. *Holograph. Unsigned. Paper*. 'Dilectus filius El(ectus)'. [*Letters and Papers*, iv, 3671, p. 1647.] Vit. B. ix, fo. 220.
312. Rome, St. Peter's, 14 March 1528/9. Dispensation to William Layton, clerk, diocese Carlisle, in his twentieth year, to hold two benefices. CLEMENS. Holes (2) for threads of bulla. 'Uite ac morum'. Stowe Ch. 596.
313. Rome, 31 May 1529. Letter to Wolsey regretting inability to do as the king wishes [concerning the divorce]. *Holograph. Unsigned. Paper*. 'Anglie Rex ac'. [*Letters and Papers*, iv, 5617, p. 2484.] Vit. B. xi, fo. 141.
314. Rome, St. Peter's, 8 July 1529. Brief to Wolsey on danger to the Holy See and to Christendom in acceding to the king's wishes. Anulus Piscatoris lost. 'Iampridem prospeximus quos'. [*Letters and Papers*, iv, 5759, p. 2564.] Vit. B. xi, fo. 193. *Slightly imperfect*.
315. Rome, St. Peter's, 18 July 1529. Brief to Wolsey announcing treaty with the emperor. Anulus Piscatoris lost. 'Cum nuper ita'. [*Letters and Papers*, iv, 5784, p. 2584.] Vit. B. xi, fo. 213. *Slightly imperfect*.
316. Rome, St. Peter's, 19 July 1529. Brief to Wolsey on advocacy of divorce suit to Rome. Anulus Piscatoris lost. 'Difficile est
- <sup>1</sup> This, rather than 22, which Brewer gives, seems the probable reading.

- nobis'. [*Letters and Papers*, iv, 5785, p. 2585.] Vit. B. xi, fos. 214, 215. *Duplicates, both very slightly imperfect.*
317. Rome, St. Peter's, 4 October 1529. Brief to Wolsey asking credence for Paul Casale sent to request aid against the Turks. Anulus Piscatoris lost. 'Cum immanissimus Christi'. [*Letters and Papers*, iv, 5981, p. 2664.] Vit. B. xi, fo. 231. *Imperfect.*
318. Bologna, 11 February 1529/30. Dispensation to Thomas Sowthorne, canon of Exeter, to hold a third benefice in addition to those he already holds. CLEMENS. Silk threads of bulla. 'Litterarum scientia uite'. Stowe Ch. 597.
319. Rome, St. Peter's, 13 May 1530. Dispensation to William Gresham, diocese London, now in his tenth year, when he attains his twelfth year to hold perpetual vicarage of Kirkby-Lonsdale *in commendam* till he attains his eighteenth year and afterwards by title. CLEMENS. Holes (2) for threads of bulla. 'Laudabilia tue puerilis'. Stowe Ch. 598.
320. Rome, St. Peter's, 25 November 1530. Appointment of Costantino Pasi ('Paxio'), clerk, to *plebania* of church of St. Peter at Laguna, on resignation of Scipione Pasi ('de Paxiis'). CLEMENS. Bulla lost. 'Grata familiaritatis obsequia'. Add. Ch. 12803. *Slightly damaged.*
321. Rome, St. Peter's, 12 August 1532. Dispensation to John Shayre, diocese Carlisle, being in his sixteenth year, to hold an ecclesiastical benefice. CLEMENS. Holes (2) for threads of bulla. 'Uite ac morum'. Stowe Ch. 599.
322. Rome, St. Peter's, 12 August 1532. Dispensation to the same John Shayre to hold a benefice without taking holy orders until his twenty-fifth year. CLEMENS. Bulla lost. 'Probitatis tue laudabilibus'. Stowe Ch. 600.

## PAUL III (1534-49)

323. Rome, S. Marco, 15 June 1535. Appointment of Puccius Antonii de Ugolinis, of Florence, to *plebania* of St. Martin's at Palaia. PAULUS. Holes (2) for threads of bulla. 'Grata familiaritatis obsequia'. Add. Ch. 55423.
324. Rome, S. Marco, 7 July 1540. Mandate to bishop of Caserta and officials of Valencia and Lerida to cause persons unlawfully detaining goods of Valldigna Abbey to restore the same, under pain of excommunication. Paulus. Bulla; string. 'Significarunt nobis dilecti'. Add. Ch. 16529.

## PIUS IV (1559-65)

325. Rome, St. Peter's, 6 March 1561. Brief to Mary queen of Scots inviting her to send prelates to council of Trent. Anulus Piscatoris lost. 'Credimus ad Serenitatem'. Add. Ch. 14507.

## GREGORY XIII (1572-85)

326. Rome, St. Peter's, 23 January 1575/6. Provision of Patrick Maccuan to see of Dromore, vacant by death of Arthur Magennis.

- Gregorius. Bulla; string. 'Apostolatus officium meritis'. Stowe Ch. 601.
327. Rome, St. Peter's, 1 November 1576. Mandate to bishop of Elphin to induct Patrick O'Flanagan, clerk, diocese Clogher, to perpetual vicarage of Inishmacsaint,<sup>1</sup> and to eject Nicholas O'Flanagan, unlawfully detaining it. Gregorius. Bulla; string. 'Dignum arbitramur et'. Add. Ch. 12805.
328. Rome, St. Peter's, 13 December 1576. Mandate to bishop-elect of Dromore, after due inquiry, to grant dispensation for ordination of seven persons named, despite defects of birth. Gregorius. Bulla; string. 'Ex parte dilectorum'. Add. Ch. 42616.
329. Rome, St. Peter's, 1 January 1576/7. Mandate to bishops of Amelia and Macerata and vicar-general *in spiritualibus* of Faenza to induct Costantino Pasi to office of archpriest of St. Stephen's, Cotignola.<sup>2</sup> Gregorius. Holes (2) for threads of bulla. 'Hodie dilecto filio'. Add. Ch. 12806.
330. Rome, St. Peter's, 1 January 1576/7. Provision of the same Costantino Pasi to the office mentioned in 329. GREGORIUS. Holes (2) for threads of bulla. 'Litterarum scientia vite'. Add. Ch. 12807.
331. Rome, St. Peter's, 8 July 1577. Brief to Albert, cardinal, archduke of Austria, asking credence for bishop of Ripatransone as nuncio to Portugal. Trace of Anulus Piscatoris in red wax. 'Fecimus nostrum, et'. Add. MS. 28697, fo. 1.
332. Rome, St. Peter's, 12 November 1578. Brief to the same, with condolence on his brother's death. Trace of Anulus Piscatoris. 'Non minus nobis'. Add. MS. 28697, fo. 3.
333. Rome, St. Peter's, 24 October 1579. Confirmation and extension of vetoes on migration of members of the Society of Jesus to other orders. FIRST LINE. *Ad perpetuam rei memoriam*. Holes (2) for threads of bulla. 'Decet Romanum Pontificem'. [*Magnum Bullarium Romanum*, Aug. Taur. viii, 1863, pp. 302-7.] Add. MS. 6878 (5).
334. Rome, St. Peter's, 15 April 1580. Brief to Albert, cardinal, archduke of Austria, asking credence for Cardinal Riario, legate *de latere*. Trace of Anulus Piscatoris. 'Non potuimus deesse'. Add. MS. 28697, fo. 5.
335. Rome, St. Peter's, 26 April 1581. Brief to the same announcing appointment of bishop of Lodi as nuncio to Spain. Trace of Anulus Piscatoris in red wax. 'Fecimus nostrum, et'. Add. MS. 28697, fo. 7.
336. Rome, St. Peter's, 24 December 1581. Brief to the same announcing his recovery from sickness. Traces of Anulus Piscatoris in red wax. 'Et doluisse te'. Add. MS. 28697, fo. 10.
337. Rome, St. Peter's, 9 May 1583. Brief to the same congratulating

<sup>1</sup> Manuscript 'Innse Vaihisam'. The Irish form given by E. Hogan, *Onomasticon Goedelicum*, p. 467, is 'i. maige samh'. For the identification and the reference I am indebted to my colleague Mr. R. Flower.

<sup>2</sup> Manuscript 'Colignole', but the name is correctly written in 330.

- him on his appointment as regent of Portugal. Trace of Anulus Piscatoris. 'Magnopere laetati sumus'. Add. MS. 28697, fo. 12.
338. Rome, S. Marco, 18 July 1583. Brief to the same instructing him to enforce payment by bishop of Coimbra of pension to Jesuit college of that city. Trace of Anulus Piscatoris. 'Venerabilis frater Episcopus'. Add. MS. 28697, fo. 14.
339. Rome, S. Marco, 25 September 1583. Brief to the same commending his conduct. Trace of Anulus Piscatoris. 'Probamus uehementer actiones'. Add. MS. 28697, fo. 16.
340. Rome, S. Marco, 15 October 1583. Brief to the same expressing pleasure at news concerning events at Terceira Island, &c. Traces of Anulus Piscatoris in red wax. 'Accepimus cum tuis'. Add. MS. 28697, fo. 18.
341. Frascati, 20 April 1584. Brief to the same on the death of datary of his legation. Trace of Anulus Piscatoris. 'Graui sanè dolore'. Add. MS. 28697, fo. 20.
342. Rome, St. Peter's, 14 May 1584. Brief to the same announcing appointment of new datary. Traces of Anulus Piscatoris in red wax. 'Doluimus obitum Alberti'. Add. MS. 28697, fo. 22.

## SIXTUS V (1585-90)

343. Rome, St. Peter's, 26 May 1585. Brief to Albert, cardinal, archduke of Austria, recommending to him the Japanese ambassadors. Trace of Anulus Piscatoris. 'Tametsi non dubitamus'. Add. MS. 28697, fo. 26.
344. Rome, S. Marco, 24 August 1585. Brief to the same in reply to letter on his elevation to the papacy. Trace of Anulus Piscatoris. 'Quò magis nobis'. Add. MS. 28697, fo. 28.
345. Rome, S. Marco, 8 October 1585. Brief to Philip II of Spain in reply to two letters from him. Anulus Piscatoris. 'Accepimus binas literas'. Add. MS. 28402, fos. 76 b-7.
346. Rome, St. Peter's, 21 October 1584 (*sic*; l. 1585). Letter to doge and *governatori* of Genoa announcing provision of Giuseppe [Godoni] to see of Sagona. Sixtus. Holes (4)<sup>1</sup> for threads of bulla. 'Hodie ecclesie Sagonensis'. Add. Ch. 12808.
347. Rome, St. Peter's, 10 December 1585. Brief to doge and *governatori* of Genoa reciting and confirming brief of Gregory XIII limiting clerical privileges. Faint trace of Anulus Piscatoris; four holes at both top and bottom of the brief for threads which secured it. 'Aliàs à felicis'. [*Magnum Bullarium Romanum*, Aug. Taur., viii, 1863, pp. 634-8.] Add. Ch. 12809.
348. Rome, St. Peter's, 10 December 1585. Confirmation, in form of brief, at request of doge and *governatori* of Genoa, of all papal privileges to the Banco di San Giorgio ('Officio, seu Monti

<sup>1</sup> Besides the usual two piercings (making four holes when the flap is turned back) there are two additional ones in the fold. The vellum having been repeatedly folded and all the folds pierced, thus closing the letter until the bulla was detached, this makes sixteen holes, i. e. with the other four, a total of twenty holes.

- Comperarum sancti Georgij'). *Ad futuram rei memoriam*. Trace of Anulus Piscatoris. 'Vt rem gratam'. Add. Ch. 12810.
349. Rome, St. Peter's, 11 December 1585. Brief to Albert, cardinal, archduke of Austria, announcing appointment of bishop of Novara as nuncio to Spain. Trace of Anulus Piscatoris. 'Iamdiu perspectam habemus'. Add. MS. 28697, fo. 32.
350. Rome, St. Peter's, 24 February 1586. Brief to the same announcing appointment of new collector-general for Portugal. Trace of Anulus Piscatoris. 'Fecimus nostrum, et'. Add. MS. 28697, fo. 36.
351. Rome, St. Peter's, 19 March 1586. Brief to the same thanking him for further congratulations on his elevation to the papacy. Trace of Anulus Piscatoris. 'Eximia pietas tua'. Add. MS. 28697, fo. 38.
352. Rome, St. Peter's, 19 February 1587/8. Notification to clergy of Funay, Japan, of provision of Sebastian [de Moraës] to that see. Sixtus. Traces of holes (2) for threads of bulla. 'Hodie ecclesie Funaiensis'. Add. MS. 6878(9).
353. Rome, S. Marco, 3 August 1588. Grant, in form of brief, at request of doge and *governatori* of Genoa, of concessions concerning fasts, celebration of mass, &c., on the Genoese fleet. *Ad futuram rei memoriam*. Trace of Anulus Piscatoris. 'Honestis Principum votis'. Add. Ch. 12811.
354. Rome, S. Marco, 27 August 1588. Brief to Albert, cardinal, archduke of Austria, announcing dispatch of bishop of Faenza as nuncio to Spain. Trace of Anulus Piscatoris. 'Mittimus ad carissimum'. Add. MS. 28697, fo. 46.

## GREGORY XIV (1590-1)

355. Rome, St. Peter's, 1 March 1591. Letter to Albert, cardinal, archduke of Austria, in reply to congratulations on his elevation to the papacy. *Autogr. signature*. Domestic seal in red wax. 'Quod multo antea'. *Paper*. Add. MS. 28697, fo. 56.

## CLEMENT VIII (1592-1605)

356. Rome, St. Peter's, 2 April 1592. Brief to Albert, cardinal, archduke of Austria, in reply to congratulations on his elevation to the papacy. Trace of Anulus Piscatoris. 'Multò iustius possumus'. Add. MS. 28697, fo. 59.
357. Frascati, 1 October 1592. Brief to the same notifying appointment of a collector for Portugal. Traces of Anulus Piscatoris in red wax. 'Quantum ad optima'. Add. MS. 28697, fo. 61.
358. Rome, S. Marco, 10 October 1593. Mandate to vicar-general *in spiritualibus* of Perugia to authorize C. G. M. Pascucci, heir of E. M. Pucci, 'ex Castro Castiglionis de Valle Perusin. dioc.' [? Castiglion del Lago or near that place], to have the ten masses for the testator's soul provided for in his will on St. Anthony's day, 17 January, said during the octave if practical difficulties prevent their being said on the day itself. Clemens. Bulla lost. 'Iustis et honestis'. Add. Ch. 61136.

359. Rome, St. Peter's, 19 November 1594. Brief to Albert, cardinal, archduke of Austria, announcing dispatch of his nephew G. F. Aldobrandini to Philip II to discuss Turkish threat to the empire. Anulus Piscatoris, much defaced. 'Tantae, et tam'. Add. MS. 28697, fo. 63.
360. Rome, St. Peter's, 11 March 1595. Brief to the same recommending Girolamo Miranda, canon of Toledo. Trace of Anulus Piscatoris. 'Hieronymo Miranda uiro'. Add. MS. 28697, fo. 65.
361. Rome, St. Peter's, 31 October 1595. Mandate to bishop of Cork to institute Owen O'Hegan as abbot *in commendam* of 'loci de Namona'.<sup>1</sup> Clemens. Bulla, much defaced; string. 'Romani Pontificis prouidentia'. Cott. Ch. xvi. 23.
362. Rome, St. Peter's, 11 March 1596. Brief to nuncio in Spain to confirm election of abbot of Valldigna, revoking former measures. Anulus Piscatoris, well preserved. 'Aliàs postquam felicitis'. Add. Ch. 16530.
363. Frascati, 15 October [1]596.<sup>2</sup> Mandate to bishop of Cork or bishop of Ossory to institute Owen [O']Hegan<sup>3</sup> to deanery of Cork, vacant by death of Thomas Moiran. Clemens. String of bulla. 'Dignum arbitramur et'. Titus B. xiii, fo. 475.
364. Rome, St. Peter's, 21 November 1600. Mandate to bishop of Cloyne and Cork and Owen [O']Hegan, vicar-apostolic in Ross (that see being vacant), to grant dispensation for ordination of Donough Cronyn, diocese Ross, notwithstanding defect of birth. Clemens. Bulla; string. 'Ex parte dilecti'. Cott. Ch. vi. 7.
365. Rome, St. Peter's, 5 April 1601. Grant *in commendam* to Owen [O']Hegan, dean of Cork, of abbey of Maure<sup>4</sup> and priory of Ballybeg. CLEMENS. Bulla; silk. 'Romani Pontificis prouidentia'. Cott. Ch. vi. 8.

## PAUL V (1605-21)

366. Rome, Sta. Maria Maggiore, 4 August 1616. Brief to Vincenzo Gonzaga appointing him cardinal deacon. Anulus Piscatoris in red wax covered with tissue paper. 'Tua singularis in'. Add. MS. 6875, fo. 439.
367. Rome, Sta. Maria Maggiore, 28 March 1620. Appointment of

<sup>1</sup> I am unable to identify this abbey, which is described as 'sancti Benedicti vel alterius ordinis Coreagen. dioc.' The manuscript catalogue of Cotton charters doubtfully suggests Navan, co. Meath, but that is not in the diocese of Cork and was formerly called Nonan (M. Archdall, *Monasticon Hibernicum*, with additions by W. M. Mason, Eg. MS. 1775, fo. 118). The name Namona (which, as Mr. Flower points out, means 'of the moor') suggests Mourne, where there was a preceptory of Knights Templars (afterwards given to the Hospitallers), called in Irish Monasternamona (Archdall, p. 75); but this can hardly be meant. Was there perhaps an unrecorded Benedictine abbey at Mourne?

<sup>2</sup> 'Millesimo' is omitted.

<sup>3</sup> 'Eugenium Heganum.' Evidently the same person is referred to here and in 361, 364, and 365.

<sup>4</sup> Manuscript 'Morro'. Since Maure (in the parish of Myross, West Carbery) is in the diocese of Ross, as Morro is here stated to be, the identification seems probable; for this abbey see Archdall, *Monasticon*, p. 60.

Domenico Savorgnano of Brisighella to provostship of cathedral of Faenza, vacant by death of Antonio Fenzoni. PAULUS. Bulla; silk. 'Litterarum scientia vite'. Add. Ch. 12782.

## GREGORY XV (1621-3)

368. Rome, St. Peter's, 3 February 1622/3. Appointment of Francesco Pasi to *plebania* of St. Stephen's church, Corleto, vacant by death of J. Rondanini. GREGORIUS. Traces of holes (2) for threads of bulla. 'Uite ac morum'. Add. Ch. 12814.

## URBAN VIII (1623-44)

369. Rome, St. Peter's, year and month lost. Grant to G. B. Baratti of pension on resignation of perpetual benefice of Sta. Maria in Via Lata. URBANUS. One hole for threads of bulla remains. 'Uite ac morum'. Add. Ch. 12816. *Imperfect, the right half being lost.*
370. Rome, Sta. Maria Maggiore, 6 November 1624. Grant to Carlo Rondanini of pension on resignation of *plebania* of St. Mary's, Sarna, diocese Faenza. URBANUS. Holes (2) for threads of bulla. 'Uite ac morum'. Add. Ch. 12815.
371. Rome, Sta. Maria Maggiore, 7 March 1629/30. Confirmation of all papal privileges, &c., to Hospital del Rey at Burgos. FIRST LINE. *Ad perpetuam rei memoriam.* Bulla; silk. 'Pastoralis officii cura'. Add. Ch. 24819.
372. Rome, Sta. Maria Maggiore, 27 April 1635. Mandate to referendary, dean, and vicar-general [*in spiritualibus*] of Treviso to induct Donatus de Barberiis<sup>1</sup> to rectory of parish church of Salgareda.<sup>2</sup> Urbanus. Holes (2) for threads of bulla. 'Hodie dilecto filio'. Add. Ch. 61179. *Damaged in the middle.*
373. 'In arce Gandulfi dioc. Albanen.', 19 April 1636. Extension by three months of period (six months) within which the same Donatus de Barberiis must publish resignation of the benefice by P. de Barberiis, he having failed to do so within the statutory time. URBANUS. Holes (2) for threads of bulla. 'Uite ac morum'. Add. Ch. 61180.
374. Rome, Sta. Maria Maggiore, 25 September 1638. Grant *in commendam* to Vittore Grimani, patrician of Venice, of St. Zeno's Abbey at Verona. Urbanus. Holes (2, repaired) for threads of bulla. 'Romani Pontificis providentia'. Add. Ch. 6157.

## INNOCENT X (1644-55)

375. Rome, Sta. Maria Maggiore, 5 January 1648. Grant, in form of brief, of indulgence to departed souls for whom mass is said on certain days at altar of St. Catherine in collegiate church of Leuze, diocese Cambrai. *Ad futuram rei memoriam.* Traces of Anulus Piscatoris in red wax. 'Omnium salutis paterna'. Add. Ch. 42617.

<sup>1</sup> Here written more like *Barbeciis*, but the *r* is clearly made in the following bull. The name is the Italian *de' Barbieri*.

<sup>2</sup> Here *Salganete*, but the following bull gives *Salgarete*, and on the endorsement the name is written as *Salgareda*. Salgareda is in the diocese of Treviso (Amati, *Diz. Corogr. dell' Italia*, s. v.).



## ALEXANDER VII (1655-67)

376. Rome, Sta. Maria Maggiore, 5 April 1666. Mandate to vicar-general *in spiritualibus* of patriarch of Aquileia to grant, after inquiry, dispensation for marriage of Polidoro Pelizza and Francesca Pizzamiglio of Sacile, being within the fourth degree of consanguinity. Alexander. Holes (2) for threads of bulla. 'Oblata nobis nuper'. Add. Ch. 6159.

## CLEMENT IX (1667-9)

377. Rome, Sta. Maria Maggiore, 10 December 1668. Absolution to Jean Baptiste [Adhemar de Monteil de Grignan], titular archbishop of Claudiopolis [afterwards archbishop of Arles], on his being granted Aiguebelle Abbey *in commendam*. CLEMENS. Bulla; silk. 'Apostolice sedis consueta'. Add. Ch. 12624.

## CLEMENT X (1670-6)

378. Rome, St. Peter's, 2 June 1670. Provision of Louis de la Vergne de Montenard de Tressan to see of Vabres. Clemens. Bulla; string. 'Apostolatus officium meritis'. Add. Ch. 12625.

## INNOCENT XI (1676-89)

379. Rome, St. Peter's, 7 March 1680/1. Mandate to vicar-general *in spiritualibus* of bishop of Padua to grant, after inquiry, dispensation for marriage of Girolamo Squarso and Giulia Conti of Vicenza, being within the third and fourth degrees of consanguinity. Innocentius. Bulla; string. 'Oblata nobis nuper'. Add. Ch. 7902.
380. Rome, Sta. Maria Maggiore, 13 June 1685. Mandate to official of bishop of Lisieux to grant, after inquiry and penance enjoined, dispensation for marriage of Thomas de Bonne Chose and Françoise de Sepurey of Lisieux, being within the third degree of consanguinity or affinity. Innocentius. Holes (2) for threads of bulla. 'Oblata nobis nuper'. Add. Ch. 6641.

## INNOCENT XII (1691-1700)

381. Rome, Sta. Maria Maggiore, 1 December 1698. Appointment of P. F. de' Medici to provostship of cathedral of Novara, vacant by appointment of Girolamo de' Negri to canonry at Milan. INNOCENTIVS. Holes (2) for threads of bulla. 'Litterarum scientia vite'. Add. Ch. 24324.
382. Rome, Sta. Maria Maggiore, 1 December 1698. Mandate to referendary, doyen of the canons, and vicar-general *in spiritualibus* of Novara to induct the same P. F. de' Medici to the provostship. Innocentius. Holes (2) for threads of bulla. 'Hodie dilecto filio'. Add. Ch. 24325.
383. Rome, Sta. Maria Maggiore, 23 March 1700. Grant, in form of brief, of indulgence to souls of members of the Confraternity of Our Lord and Our Lady 'ad bene moriendum' for whom mass is said on specified days at the altar of the confraternity in the Jesuit church

of Huancavelica [in Peru]. *Ad futuram rei memoriam*. Remains of Anulus Piscatoris in red wax; design indistinguishable. 'Omnium salutis paternae'. Harl. Ch. 111 A. 38.

## CLEMENT XI (1700-21)

384. Rome, St. Peter's, 8 December 1700. Appointment of M. F. Roffia to two perpetual chaplaincies under invocation of St. Thomas in Contumbria and St. Peter ad Vincula in church of San Miniato. CLEMENS. Bulla; silk. 'Vite ac morum'. Add. Ch. 29255.
385. Rome, St. Peter's, 28 December 1700. Brief to Louis XIV on his relations with the emperor in matter of Spanish succession. Anulus Piscatoris in red wax, broken and imperfect. 'Cum mutuam animorum'. Add. MS. 20243, fo. 33.
386. Rome, St. Peter's, 14 June 1701. Brief to archbishop of Aix, removing for four months, pending decision of the case, interdict laid by him on certain religious houses for refusing his visitation. Trace of Anulus Piscatoris. 'Egerunt apud nos'. Add. MS. 20243, fo. 58.
387. Rome, St. Peter's, 19 April 1702. Mandate to vicar-general *in spiritualibus* of archbishop of Pisa to induct Niccolò a Paule to the churches, &c., of St. Martin at Vignolo, St. Trigdianus at Gonfo, and St. Ilarius at Selva Longa. Clemens. Bulla; string. 'Dignum arbitramur et'. Add. Ch. 59035.
388. Rome, St. Peter's, 15 May 1702. Brief to official of bishop of La Rochelle to grant, after inquiry and penance enjoined for incest committed, dispensation for marriage of Abraham Billon and Marie Billon, being within the second degree of consanguinity or affinity. Anulus Piscatoris in red wax, covered with vellum. 'Oblata nobis nuper'. Add. Ch. 12817.
389. Rome, Sta. Maria Maggiore, 6 November 1702. Brief to Louis XIV on behalf of republic of Venice. Anulus Piscatoris in red wax, slightly imperfect. 'Cum omninò persuasum'. Add. MS. 20243, fo. 34.
390. Rome, St. Peter's, 13 February 1703. Brief to archbishop of Aix declaring his claim to visit religious houses (see no. 386) invalid and removing his interdict. Trace of Anulus Piscatoris. 'Apostolicę libertati, et'. Add. MS. 20243, fo. 59.
391. Rome, Sta. Maria Maggiore, 9 July 1703. Brief to all the faithful, granting plenary indulgence to all who, on the festivals of St. James the Apostle and St. Martin, pray for the concord of Christian princes, &c., in the parish church of St. James the Apostle at Douai. Trace of Anulus Piscatoris. 'Ad augendam fidelium'. Add. Ch. 15415.
392. Rome, Sta. Maria Maggiore, 24 June 1706. Licence to Pietro Barbarigo,<sup>1</sup> patriarch elect of Venice, to receive consecration from any catholic bishop he chooses, subject to approval by the Holy See. Clemens. Holes (2; repaired) for threads of bulla. 'Cum nos pridem'. Add. Ch. 6167.

<sup>1</sup> Throughout this and the following bulls the name appears as *Barbadicus*, which seems to be the regular Latin form; it is used by Ughelli, *Italia Sacra*.

393. Rome, Sta. Maria Maggiore, 25 June 1706. Absolution to the same on his appointment to patriarchate. CLEMENS. Holes (2) for threads of bulla. 'Apostolice Sedis consueta'. Add. Ch. 6162.
394. Rome, Sta. Maria Maggiore, 25 June 1706. Appointment of the same to the patriarchate. Clemens. Holes (2) for threads of bulla. 'Onerosa pastoralis officii'. Add. Ch. 6163.
395. Rome, Sta. Maria Maggiore, 25 June 1706. Notification of the above appointment to clergy of city and diocese of Venice. Clemens. Holes (2; repaired) for threads of bulla. 'Hodie ecclesie Patriarchali'. Add. Ch. 6164.
396. Rome, Sta. Maria Maggiore, 25 June 1706. Similar notification to people of the city and diocese. Clemens. Holes (2; repaired) for threads of bulla. 'Hodie ecclesie Patriarchali'. Add. Ch. 6165.
397. Rome, Sta. Maria Maggiore, 25 June 1706. Similar notification to all vassals of the patriarchate. Clemens. Holes (2; repaired) for threads of bulla. 'Hodie ecclesie Patriarchali'. Add. Ch. 6166.
398. Rome, Sta. Maria Maggiore, 26 June 1706. Brief to Cardinal Gualterio authorizing him to appoint eight notaries and make other appointments. Anulus Piscatoris, well preserved. 'Poscunt tuae Circumspectionis'. Add. MS. 20243, fo. 74.
399. Rome, Sta. Maria Maggiore, 19 July 1706. Announcement, addressed to Pietro Barbarigo, patriarch elect of Venice (see 392-7), of dispatch of pallium, with form for its reception. Clemens. Holes (2; repaired) for threads of bulla. 'Cum itaque nos'. Add. Ch. 6168.
400. Rome, St. Peter's, 5 January 1707. Brief to Cardinal Gualterio as legate *de latere* at Ravenna, giving him charge of the Annona there. Fragment of Anulus Piscatoris in red wax. 'Annonae copiae, quantum'. Add. MS. 20243, fo. 75.
401. Rome, Sta. Maria Maggiore, 1 September 1708. Brief to Cardinal Grimani reprimanding him for sanctioning violations of ecclesiastical rights as viceroy of Naples. Trace of Anulus Piscatoris. 'Vbi primùm Circumspectionem'. Add. Ch. 6170.
402. Rome, Sta. Maria Maggiore, 12 July 1709. Mandate to referendary, doyen of canons, and vicar-general *in spiritualibus* of Forli to induct Giovanni Tornielli to rectory of parish church of St. Martin, Villafranca. Clemens. Traces of holes (2) for threads of bulla. 'Hodie dilecto filio'. Add. Ch. 12818.
403. Rome, Sta. Maria Maggiore, 15 September 1709. Brief to Cardinal Gualterio introducing his nephew Annibale Albano. Anulus Piscatoris, defaced. 'Etsi persuasum omninò'. Add. MS. 20243, fo. 76.
404. Rome, Sta. Maria Maggiore, 30 July 1715. Mandate to bishops of Belluno, Verona, and Ceneda to cause services and rights due to abbey of S. Pietro di Colle, Ceneda, to be rendered to Pietro Barbarigo, patriarch of Venice (see 392-7), to whom the abbey has been granted *in commendam*. Clemens. Holes (2) for threads of bulla. 'Hodie venerabili fratri'. Add. Ch. 6169.

405. Rome, Sta. Maria Maggiore, 20 April 1717. Brief to rector of English college at Douai giving him increased powers. Faint trace of Anulus Piscatoris. 'De tua singulari'. Add. MS. 20243, fo. 68.
406. Rome, Sta. Maria Maggiore, 6 July 1717. Brief to Cardinal Gualterio appointing him protector of the English at Rome. Trace of Anulus Piscatoris. 'In supremo ecclesiae'. Add. MS. 20243, fo. 77.
407. Rome, Sta. Maria Maggiore, 16 September 1717. Brief to Henri Wiet making him a knight ('auratae Militiae equitem'). Trace of Anulus Piscatoris in red wax. 'Ex Romani Pontificis'. Add. Ch. 12819.
408. Rome, Sta. Maria Maggiore, 12 February 1718. Brief to James Edward [Stuart], the Old Pretender, stating that whereas in the brief appointing Edmund Kelly<sup>1</sup> bishop of Clonfert no mention was made, for reasons of expediency, of the Pretender's nomination, this implies no detriment to his right of nomination. Impression of Anulus Piscatoris; on each fold are slits for the threads by which the brief was closed. 'Cum nos hodiè'. Add. MS. 34638, fos. 248 b-9.

## BENEDICT XIII (1724-30)

409. Rome, Sta. Maria Maggiore, 22 August 1724. Brief to [C. C. E. Jouvenel de] Harville des Ursins, marquis de Trainel, in reply to congratulations on his election. Faint trace of Anulus Piscatoris. 'Luculentas lætitię significationes'. Add. Ch. 12820.
410. Rome, Sta. Maria Maggiore, 16 September 1726. Brief to Luisa Isabella, queen-widow of Spain, introducing Luigi Gualterio. Trace of Anulus Piscatoris. 'Tua erga nos'. Add. MS. 20659, fos. 8 b-9.
411. Rome, Sta. Maria Maggiore, 16 September 1726. Similar brief to duke of Bourbon. Trace of Anulus Piscatoris. 'Quamquam Nobilitati tuę'. Add. MS. 20659, fos. 10 b-11.

## CLEMENT XII (1730-40)

412. Rome, Sta. Maria Maggiore, 14 August 1732. Mandate to referendary, doyen of the canons, and vicar-general *in spiritualibus* of Novara to induct P. F. de' Medici to rectory of parish church of Terdobbiate. Clemens. Holes (2) for threads of bulla. 'Hodie dilecto filio'. Add. Ch. 24326.

## BENEDICT XIV (1740-58)

413. Rome, Sta. Maria Maggiore, 12 November 1740. Grant to the same P. F. de' Medici, on his resignation of the rectory and appointment as coadjutor to Alexander Barbanara, canon of Novara, of an annual pension. BENEDICTUS. Holes (2) for threads of bulla. 'Litterarum scientia vite'. Add. Ch. 24327.
414. Rome, Sta. Maria Maggiore, 13 September 1745. Appointment of Giuseppe Rambaldi to rectory of parish church of St. Agatha Major, Ravenna. BENEDICTUS. Bulla; silk. 'Vite ac morum'. Add. Ch. 29256.

<sup>1</sup> 'Written 'Kellis', but Kelly is a likelier name.

415. Rome, Sta. Maria Maggiore, 23 December 1745. Mandate to referendary and doyen of canons of Sinigaglia to induct Niccolò Claudi to canonry at Sinigaglia. Benedictus. Bulla; string. 'Hodie dilecto filio'. Add. Ch. 55556.
416. Rome, Sta. Maria Maggiore, 16 July 1746. Appointment of the same Niccolò Claudi to the chaplaincy of St. Joseph in the church of the Confraternity of Death at Montalboddo, diocese Sinigaglia. BENEDICTUS. Bulla; silk. 'Vite ac morum'. Add. Ch. 55557.
417. Rome, Sta. Maria Maggiore, 1 September 1747. Brief to bishop of Teruel, inquisitor-general, and the dean of the holy office to levy and apply to the proper purpose [i. e. for the sons of James Stuart] a pension reserved from revenues of see of Jaen. Faint trace of Anulus Piscatoris. 'Cum nos nuper'. Eg. MS. 1509, fo. 402.
418. Rome, Sta. Maria Maggiore, 4 September 1747. Brief to Ferdinand VI of Spain concerning the same and other pensions from Spanish sees for the same purpose. Faint trace of Anulus Piscatoris. 'Quod Maiestas tua'. Eg. MS. 1509, fo. 403.
419. Rome, Sta. Maria Maggiore, 6 August 1751. Mandate to referendary, doyen of canons, and official of Trèves to enforce payment by J. L. W. N. Frohn, present incumbent, of pension granted to M. J. Derckum on his resignation of benefice in parish church of Ober-Leuken (?).<sup>1</sup> Benedictus. Bulla; string. 'Hodie cum dilectus'. Add. Ch. 26065.
420. Rome, Sta. Maria Maggiore, 4 March 1755. Transference, in form of brief, to the Sunday immediately following the Feast of the Ascension, of indulgence granted 9 November 1733, by Clement XII to members of the Confraternity of the Holy Cross in the parish church of Arleux-en-Gohelle<sup>2</sup> for the feast of the Invention of the Holy Cross. *Ad perpetuam rei memoriam*. Very faint trace of Anulus Piscatoris. 'Dudum felices recordationis'. Add. Ch. 15416.
421. Rome, Sta. Maria Maggiore, 1 December 1755. Mandate to official of archbishop of Malines to grant, after inquiry, dispensation for marriage of Martin de Drijver and Clara van Kobbroeck, being within the third and fourth degrees of consanguinity. Benedictus. Holes (2) for threads of bulla. 'Oblata nobis nuper'. Add. Ch. 12821.
422. Rome, Sta. Maria Maggiore, 20 April 1757. Grant, in form of brief, of plenary indulgence to penitents visiting church of SS. Peter and Paul at Borgo di Sartirana,<sup>3</sup> diocese Pavia, &c. Fragments, defaced, of Anulus Piscatoris in red wax. 'Ad augendam fidelium'. Add. MS. 20590, fo. 109.

<sup>1</sup> Manuscript 'Oberlemlen Treuren. dioc.' Ober-Leuken, which is in the Regierungsbezirk of Trèves (see, e. g., G. Neumann, *Orts- und Verkehrs-Lexikon d. Deutschen Reichs*, s. v.), seems a likely identification.

<sup>2</sup> Manuscript 'D'Arleux en Paullè nuncupata Attrebaten. Dioec.'

<sup>3</sup> 'Burgi di Sartirana.' Amati (*Dizionario Corografico dell' Italia*) mentions no such place as Borgo di Sartirana, and places Sartirana Briantea in the diocese of Milan and Sartirana Lomellina in that of Vigevano.

## CLEMENT XIII (1758-69)

423. Rome, Sta. Maria Maggiore, 2 July 1764. Mandate to referendary, doyen of canons, and official of Amiens to induct Pierre Tascher to Selincourt Abbey, granted him *in commendam*. Clemens. Holes (2) for threads of bulla. 'Romani Pontificis prouidentia'. Eg. Ch. 61.
- 424.<sup>1</sup> Rome, Sta. Maria Maggiore, 6 February 1768. Brief appointing Cardinal E. S. Piccolomini legate *de latere* at Ravenna. In book form, 12 folios; faint traces of Anulus Piscatoris at end (fo. 12). 'Dùm regendae universalis'. Add. MS. 10923.

## PIUS VI (1775-99)

425. Rome, Sta. Maria Maggiore, 4 September 1787. Mandate, in form of brief, to official of bishop of Cambrai to grant, after inquiry, licence for transfer of Maurice Boquet, monk of Benedictine abbey of Le Cateau, to Cistercian order. Anulus Piscatoris lost. 'Exponi nobis nuper'. Add. Ch. 12822.

## LEO XII (1823-9)

426. Rome, St. Peter's, 26 October 1824. Brief to the dauphin notifying confirmation of appointment of titular archbishop of Nisibis as nuncio to France. Faint trace of Anulus Piscatoris; in each fold is the hole through which were passed the threads closing the brief. 'Nostrum, et Apostolicae'. Add. Ch. 12823.

## GREGORY XVI (1831-46)

427. Rome, St. Peter's, 1843, a° Pont. 14<sup>2</sup> [i.e. 2 February-24 March 1844]. Mandate to the vicar, during vacancy of the see, of Toledo to grant, after inquiry, dispensation for marriage of Candido Alonso and Thomasia Maroto, being within the fourth degree of consanguinity. Gregorius. Bulla; string. 'Oblata nobis nuper'. Add. Ch. 12626.

CLASSIFIED INDEX OF DOCUMENTS AND SEALS<sup>3</sup>

## A. DOCUMENTS

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|--|---|
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<sup>1</sup> In spite of its unusual form this brief seems clearly to be an original; it has the signature of a cardinal at the end and notes of production and publication on fo. 12 b; and the traces of the Anulus Piscatoris, though slight, can hardly be doubted. The form was perhaps due to the unusual length.

<sup>2</sup> The month is omitted, probably by inadvertence.

<sup>3</sup> The references throughout are to the serial numbers of the single documents.

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<sup>1</sup> Silk threads, but otherwise possessing the usual characteristics of the letter of justice.

<sup>2</sup> Mostly in a bad state of preservation. I have ignored cases where only a trace of the Anulus Piscatoris on the vellum or small pieces of wax remain.

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### *A Letter of 1721 from St. Saphorin to Townshend*

THE writer recently acquired a small collection of letters written by St. Saphorin to Townshend and of contemporary copies of others from the same source, covering the period 1714-27, amongst which the following original of the year 1721 was found. As three other *lettres particulières* are bound up with the former's dispatches of the half-year July-December,<sup>1</sup> this document may form an apposite supplement to them, especially when read in connexion with Townshend's dispatch of 11 July and *lettre particulière* of 8/19 September<sup>2</sup> and St. Saphorin's reply of 9 August and his subsequent letter of 22 August/2 September.<sup>3</sup> The first half of the text is typical of his long-standing relation to the secretary of state and forms a counterpart to the 'great esteem' entertained for him by George I<sup>4</sup> and Townshend's own persuasion 'of his past Services, & future usefulness to the Publick good of Europe'.<sup>5</sup> The letter is written in the beautiful hand characteristic of the clerk who wrote most of St. Saphorin's official dispatches, while the conventional autograph valediction and the signature likewise follow their form.

C. S. B. BUCKLAND.

*Lettre particulière*

*A Vienne le 26. d'Octobre 1721.* [fo. 1]

My Lord

J'ay receu avec les sentimens de reconnoissance les plus vifs la lettre particuliere que Votre Excellence m'a fait l'honneur de m'écrire le 8 7<sup>bre</sup>.

<sup>1</sup> Of 29 July/9 August and 5/16 August and 22 August/2 September 1721 (Public Record Office, State Papers, Foreign, Germany (Empire) and Hungary, 44).

<sup>2</sup> Drafts. Both *ibid.* 42.

<sup>3</sup> Both *lettres particulières* (*ibid.* 44).

<sup>4</sup> Townshend to Schaub, Whitehall, 14/25 February 1715/6 (State Papers, Foreign, Entry Books, 42).

<sup>5</sup> The same to the same, Whitehall, 17/28 January 1715/6 (*ibid.*). Cf. also his letter to the avoyer and council of Berne, Whitehall, 7/18 January 1714/5 (*ibid.* 212).

Indépendamment de toute autre consideration, la confiance dont Elle daigne bien m'honorer sera toujours pour moy la chose du monde la plus précieuse, et lors que j'ay pris la liberté de la feliciter sur une conduite aussi habile, et aussi utile au service du Roy que la été la sienne dans le dernier Parlement, et qui a si bien fait connoître à toute l'Europe sa prudence & son sçavoir-faire, je n'ay fait que de joindre ma conviction particuliere à la Conviction generale. Aussi, My Lord, Vôtre Excellence me pardonnera si je luy dis cecy : Il y a long tems que je suis persuadé qu'il n'y a aucune Nation dans l'Europe parmi laquelle il se trouve plus de grands genies qu'en Angleterre, mais le genie y étant vif et ardent, il est peut estre plus rare qu'autre part d'y trouver des Gens qui pèsent le pour et le contre de toutes les affaires, et qui lient bien toutes leurs démarches ensemble. Au moins, My Lord, de tous les Anglois que j'ay eu l'honneur de connoître, je n'ay encore vû que Vôtre Excellence seule qui eût ce talent à un souverain degré, et qui ait sçû faire dans toutes les choses qu'Elle a traittées une exacte connection de toutes ses parties, et qui ait sçû preparer les choses en y observant tous les antecedens nécessaires ; et c'est là cependant l'ame de toutes les grandes affaires. On les gête peut être aussi souvent par le trop d'esprit qu'on y veut mettre, et le feu où l'on s'abandonne, que par l'incapacité ; et ce n'est que lors qu'on a les idées non seulement grandes, mais justes & suivies, que l'on y peut réussir. Je me souviendray toute ma vie avec un vrai plaisir de la maniere dont Votre Excellence et le défunt Pensionnaire Heinsius<sup>1</sup> sçurent éviter le piège des François dans le Congrès de Gertruydenberg,<sup>2</sup> et par là sans la prévarication du dernier Ministere de la defunte Reyne quelle bonne Paix ne seroit-on pas parvenu à faire ? Je suis au desespoir, My Lord, de n'auoir pas pû expedier ce Courier plutot ;<sup>3</sup> mais je la supplie d'estre persuadée, que bien loin que je me sois épargné dans le travail, je l'ay reculé en le voulant pousser plus loin que ma santé ne me le permettoit ; et rien au monde ne me fait plus de peine que lors que je ne suis pas en état de remplir ma fonction avec la regularité qu'il seroit à souhaitter. Je me prevaus, My Lord, de la bonté que Votre Excellence a eüe de me marquer qu'Elle tiendrait la main à ce que je fusse payé des deux demi années de mes extraordinaires qui sont échus, et M<sup>r</sup>. Payzant s'estant bien voulu charger de ma Procure, je la luy envoie. C'est le 11<sup>e</sup> Iuillet V. Stile qu'Elle m'a marqué que Sa M<sup>té</sup>. avoit eu la bonté d'augmenter mes appointemens,<sup>4</sup> et la derniere demi

[fo. 1<sup>r</sup>]

[fo. 2]

<sup>1</sup> Who had died on 3 August 1720.

<sup>2</sup> St. Saphorin was in the United Provinces at the time, negotiating on behalf of Berne (M. Lutz, *Nekrolog denkwürdiger Schweizer*, ad loc.). Of this period see also his letter to Townshend, dated Berne, 4 February 1711, on a projected alliance with the protestant cantons (*Hist. MSS. Comm., Manuscripts of the Marquess Townshend*, XI, app. iv, p. 78).

<sup>3</sup> For the reason of the delay compare St. Saphorin's letter of 11/22 October (State Papers, Foreign, Germany (Empire) and Hungary, 44) : 'Celle cy n'est que pour vous dire que l'on est apres à mettre au net et en chiffre mes principales Depeches pour expedier le Messager Martram [Mottram], qui pourra partir dans peu de jours.'

<sup>4</sup> Townshend to St. Saphorin (Draft) 11/22 July 1721 (State Papers, Foreign, Germany (Empire) and Hungary, 42) : 'J'ay représenté à Sa Mat<sup>té</sup> l'état des sommes que vous receviez tous les ans de la Tresorerie icy, & Elle a eu la bonté d'ordonner

année de mes extraordinaires écheoit le 2. d'Août V. Stile, ainsi à quelques jours près en même tems. Je ne me fay aucune peine de payer les 6 sols de la Taxe dont Elle me parle.<sup>1</sup> Je ne sçay si Elle sêtend sur le passé, ou seulement depuis le tems que l'Acte du Parlement<sup>2</sup> court. Le Roy, par les soins de Votre Excellence, me donne assez pour pouvoir subsister très honorablement icy, et je me confie en la bonté de Votre Excellence qu'Elle voudra bien tenir la main a la régularité des payemens, qui m'importe plus que la quantité.<sup>3</sup> Et si Elle daignoit m'apprendre de quelle maniere ces payemens se feront à l'avenir, je lui en aurois beaucoup d'obligation. Comme l'augmentation que Sa Mté. m'a faite va environ à 1000<sup>li</sup> Sterl., cela feroit au lieu des 1600 que j'avois d'extraordinaire, 2600, et ma pension. Je demande tres humblement en grace à Vôtre Excellence, de me continuer l'honneur de sa bienveillance, et d'agrèer le parfait respect avec lequel j'ay l'honneur d'estre

My Lord

<sup>4</sup> De Votre Excellence

Le très humble, et très  
obeissant serviteur

F L de Pesme de St Saphorin

A S. E. My Lord

Vicomte de Townshend

Je supplie V. E. de tourner

P.S.

J'avois dessein d'envoyer à Votre Excellence la Copie de ma lettre au Roi ;<sup>5</sup> [fo. 2<sup>v</sup>] mais un de mes Copistes s'estant trouvé incommodé, il m'auroit fallu retarder d'un jour le depart du Courier ;<sup>6</sup> outre que j'ay jugé qu'Elle la verroit assez sans cela

[No Endorsement.]

qu'on vous paye a l'avenir sur le pied d'Envoyé & de Plenipotentiaire qui est 5. livres sterlin par jour pour l'un, & 3 pour l'autre, et 600<sup>li</sup> sterlin par an au lieu de extraordinaires, ce qui monte en tout à 3520. livres sterlin et fait a peu pres 1000. livres sterlin par an plus que vous n'aviés eu auparavant. Le Roy a aussi ordonné qu'on payait à votre Secretaire, dont vous avés recommandé les soins, la somme de deux cens livres sterlin ; ainsi si vous voulés tirer sur moy pour cet argent Je ne manquerai pas de faire acquitter la lettre de change ponctuellement. J'ay aussi obtenu de Sa Ma<sup>te</sup> une pareille somme pour le precepteur de vôtre fils que vous avés envoyé icy avec vos Depeches du 5<sup>e</sup> du mois dernier.' This St. Saphorin acknowledged in his *lettre particulière* of 29 July/9 August (*ibid.* 44).

<sup>1</sup> In Townshend's *lettre particulière* of 8/19 September 1721 (Draft) (*ibid.* 42).

<sup>2</sup> 7 George I, stat. 1, c. 27 (see § 19).

<sup>3</sup> See St. Saphorin's *lettre particulière* of 22 August/2 September 1721, where he expresses his hope for payment 'dans une Circonstance où j'ay plus de 3000<sup>li</sup> Sterl. fort en l'air par ces malheureuses affaires du Sud [the South Sea trouble]' (*ibid.* 44).

<sup>4</sup> The words 'De . . . St Saphorin' are in his own hand with the exception of the capital D of 'De' and L of 'Le', which—as elsewhere—were inserted, evidently as a guide, by the clerk.

<sup>5</sup> Dated 16/27 October 1727 (*ibid.* 44).

<sup>6</sup> On this journey Mottram carried, among others, St. Saphorin's official dispatch to Townshend, Vienna, 16/27 October 1727 (*ibid.* 44), and, it is to be presumed, the private letter here reproduced (Townshend to St. Saphorin (Draft), 31 October/11 November 1721, *ibid.* 42). Townshend received them on 31 October/11 November (*ibid.*).

## *Reviews of Books*

*Droit Romain. Aperçu Historique Sommaire.* Par G. CORNIL. (Bruxelles : Imprimerie Médicale et Scientifique, 1921.)

I SHOULD like to recommend this text-book to the attention of historians as well as lawyers. It is the outcome of many years of study and teaching, and it is to be desired that a careful translation should make it widely accessible to English and American students.

The nearest approach to a readable historical summary of Roman law as known at present, appears to be Mayr's six little volumes in Goschen's popular library, which, however, are somewhat more elementary than Dr. Cornil's book, which latter is a condensed but clearly written course of lectures arranged according to a systematic plan. It falls naturally into three parts—origins, classical period, and the late empire (*Bas Empire*). References are sparingly given, but a comprehensive index of passages interpreted or referred to shows that few important texts, if any, have been disregarded. The juridical material is put into close connexion with the main features of political, economic, and literary life, and historians might do worse than take counsel of this summary of Roman law in treating problems of Roman antiquities. A characteristic instance of the utilization of facts of cultural history may be cited, that given in chapter v of the first book in part ii. It deals with the use of writing in acts in law ('L'Écriture dans l'Activité Juridique'). Marquardt's account of private life and Wilcken-Mitteis's Chrestomathy have formed the background of a very lively exposition. For the sake of completeness, however, more attention should have been devoted to 'lapidary' inscriptions which play so great a part in public law, but present also a good deal of material for private law; for instance, in the matter of donations, charities, manumissions, leases, association, &c., Roman law is not quite so dependent on this kind of material as Greek law, but it is sufficient to look through Wilman's *Exempla Inscriptionum* to appreciate its importance for the romanized half of the Mediterranean circle.

The treatment of the law of obligations seems to me to be particularly successful as far as the juridical exposition is concerned. But here again I cannot help expressing a wish for greater completeness in the descriptions of the working of the main source of the obligation *ex contractu* of the classical period, namely the *ius gentium*. The statement on p. 97 is too brief, and admits of misunderstanding. The *ius gentium* is not sufficiently distinguished from the *ius naturale*: many beginners will not notice that the *ratio naturalis* of a juridical institution may have nothing to do with the law of nature. Even artificial institutions have their natural meaning. A receipt certainly has its natural and reasonable



meaning, and plays a considerable part in the *ius gentium* as *acceptilatio*. But it would be hardly right to regard it as a definite outcome of the law of nature. Again, there is the distinction between law common to all men and a law common to the freemen of all nations. The famous passage of Marcianus which assigns slavery to the law of nations, but not to the law of nature, in the sight of which all human beings are equal in rights provides a case in point.

The intricate problem of the origin of the testament in Roman law is treated on pp. 73 ff. It would be impossible to follow M. Cornil's argument in detail, but I cannot help thinking that the contrast between the *heredis institutio* in the *comitia calata*, on the one hand, and the *testamentum in procinctu* and that *per aes et libram* on the other, is overdrawn. Our authorities do not justify the sharp opposition between a public act sanctioned by the *comitia calata* and a private act passed in front of the army. The latter species are described precisely as substitutes for the comitial will, and cannot therefore be constructed in opposition to it. The rule 'nemo pro parte testatus, pro parte intestatus decedere potest' is hardly to be explained as a mere survival from an age when the object of the will was exclusively to perpetuate the personality of the deceased. The maxim was quite a familiar one with the juriconsults of the Empire, and in their mouths it had a proper juridical significance: one cannot die intestate after having made a will: in other words, rights descending from a person who has left a will are derived from the will and not from the rules of intestate succession.

Before concluding I should like to express the wish that the famous controversy as to the antiquity of the Twelve Tables should be treated somewhat more fully in subsequent editions, which are sure to be required in no distant future. It has its significance in the history of juridical literature, and although I quite agree with M. Cornil's statement of its result, the modernizations brought about by time and misunderstandings are certainly not devoid of importance.

A book which embraces so wide a subject and deals with so many particular points is sure to call forth criticisms and suggestions. But taken as a whole it should be welcomed as an excellent exposition of Roman legal principles.

P. VINOGRADOFF.

*Illustrations of the History of Medieval Thought and Learning.* By R. L. POOLE. Second edition. (London: Society for Promoting Christian Knowledge, 1920.)

THE Society for Promoting Christian Knowledge has deserved well of students of the middle ages and indeed of a wider public by undertaking the republication of Dr. Poole's now classic work, which has long been out of print. It is not easy either to particularize or to limit its influence on English medieval studies since its first appearance in 1884. Though in a narrower field, its effect has been like that of Maitland's papers, a slow infiltration, which, while adding new knowledge, has made intelligible what was already known. The curious, alien puzzle, as Dr. Poole revealed it, became a rational development.

Some part of this intelligibility was due to Dr. Poole's understanding of and insistence on the human personality of the authors of whom he treated, and on the outer accidents which shaped their lives and had a share in forming their opinions. With men who are known chiefly from their speculative writings and from the denunciation of their opinions by their opponents, there is a natural tendency to treat a man as a book, and in the formal anatomy of his thoughts to forget the life and circumstances which gave them applicability and purpose. But in the *Illustrations*, for instance, Gottschalk's embittered view of predestination, with the doom he plentifully dealt out to his kind, becomes the natural outburst of a man immured in a monastery by an arbitrary act of Lewis the Pious, after a synod had released him from the monkish profession which his father had forced on him as a child. He had been predestined in his own life, and only under his poetical name of Theodulus could something of the unspoilt nature of the man transpire. 'Few disputes', says Dr. Poole (p. 45) of this controversy on predestination, 'ever had a more accidental origin.' This is true, but it was also fitting that the crumbling Carolingian empire should be the background to his gloomy doctrine.

The book, as its readers know, falls into two divisions, the origin of which Dr. Poole explains in the short biographical preface he has prefixed to the new edition. The first, reaching to chapter vii, deals with the survival and revival of learning and thought in the early middle ages from Charlemagne to Frederick Barbarossa. It is remarkable how much the preservation of the knowledge of the classics was due to the British Isles. The sound learning of Alcuin, the genius of John the Scot, returned to the Continent some of the culture it had lost. It was in part a far-off result of the mission of St. Augustine, a paradoxical consequence to flow from the pontificate of Pope Gregory the Great, whose Philistine attitude to letters Dr. Poole emphasizes. In John the Scot elements of both the later schools of thought, nominalism and realism, are present, but it is not until after the dark age of disaster has been made good at the end of the eleventh century, that the time of the schoolmen begins and along with it the renewed clash of those two natural trends of human speculation. In the century and a half preceding we hear of the great diffusers and reawakeners of learning, of Bruno, Gerbert, and Fulbert; in the mid eleventh Anselm is uplifted far beyond the capacity of his time, but does not enter on the tedious path by which that time was to progress. In the twelfth we have the succession of schoolmen. Dr. Poole here describes the ebb and flow of their opinions, in the elucidation of which he is at his best, and these masterly chapters have most experienced revision in the new issue. But profound and subtle though they were, it is not perhaps so much what the schoolmen thought as what they taught which was of most importance. They taught half-barbaric Europe, one may almost say, the use of the reasoning and critical faculties, how to think and how to learn, how to dare to inquire. This debt we still owe to the Breton Abailard and the rivals he scorned, and, perhaps we may add, to the dreary glossators who expounded the meaning and deduced the consequences of the texts of the civil law. How much the movement of the Italian Renaissance owed to this prolonged mental training of

preceding centuries, culminating in the study of Aristotle, is perhaps even now not sufficiently recognized.

The second part of the book has yet to be surpassed for the lucidity and precision of its *exposé* of the political theory of the later middle ages. Beginning with the philosophical, but hopelessly unpractical imaginations of John of Salisbury—‘all temporary matters John passes by’ (p. 205)—we pass through the extreme hierarchical theory of Augustinus Triumphus to the writers in defence of the secular state: to Peter Dubois recasting the existing assortment of power in Europe with the serenest national complacency; to Dante attempting in the noblest medieval fashion a harmony of the universe by the exchange of ‘one impossible theory for another equally impossible’ (p. 229); to Marsilius of Padua, rediscovering and reinventing the classical theory of the state, democratic, all-powerful, one and indivisible, subject to a natural law of human societies, and the while broaching novelty after novelty till he seems to anticipate the nineteenth century; to Ockham, the indefatigable querist, the most unsettling of all philosophers; to Wycliffe, seeming to reach one hand heartily between the idealist John of Salisbury and the Spiritual Franciscans, and withdrawing the other, a little perhaps stained by contact, from Marsilius of Padua. Dr. Poole’s acutest analysis is perhaps reserved for Wycliffe, of whose treatises *De Dominio* he has produced model editions, but for its modernity his brilliant abstract of Marsilius, still the best in English, has perhaps the greater interest. He corrects in a note (p. 242) the too sweeping statement in the text, that Marsilius ‘exercised little direct influence on the movement of thought’, but perhaps he a little diminishes Marsilius’s achievement, making him even more of a visionary *doctrinaire* than he was, when he says (p. 247) that ‘none of the opponents of the papal claims . . . make any attempt to adjust their schemes to the political or legal framework of their own country’. Yet Marsilius’s country was first the commune of Padua, and secondly the *Italicum regnum* which is always in his thoughts, and whose lacerated state prompts his *Defensor* as it did Machiavelli’s *Prince*. It is this, for one thing, which made Marsilius so much less fanciful and more fruitful in his purely political theory than his contemporaries: that he has in his eye, and attempts to justify and improve by Aristotelian reasoning, the Italian commune as it worked in his own day by natural growth and business-like contrivance without the real intervention of any theory whatever. Marsilius does not really care about the empire (pp. 234–5, 244), but he does about the working of the secular state as seen in an Italian commune. The audience he addressed and the generalized method of his day have obscured this practical foundation of his state-theory. To mention only one or two points: we have the *arengo* or mass-assembly as the ultimate *legislator*, the supreme elected executive (*pars principans*), whether one man (e. g. *podestà*) or a committee like the Florentine priors. The very process of legislation he recommends (*Dict.* i, cap. 13, pt. 8) is that of a Florentine revision of statutes. It was his native Padua which, not unlike other communes, found the ecclesiastics’ claim to be exempt from civic tribunals and taxation so intolerable that in 1282 she even denied them the protection of the law to which they would not submit. Marsilius’s

contention of the single supreme executive was indeed shown to be 'expediens et necessarium experientia cunctis sensata'. But other thinkers less untrammelled by tradition had not his uncanny insight, to which and to so much else Dr. Poole introduced English scholars.

C. W. PREVITÉ-ORTON.

*The Yorkshire Woollen and Worsted Industries.* By HERBERT HEATON. *Oxford Historical and Literary Studies*, vol. x. (Oxford: Clarendon Press, 1920.)

VERY appropriately, this admirable study of the industries named, 'from the earliest times up to the industrial revolution', is the work of a former fellow of the university of Leeds and a present professor at Adelaide. But for the war and Mr. Heaton's migration to Australasia, it would no doubt have appeared much earlier. In previous publications (see bibliography, pp. 439, 445) the author had shown his mastery of the subject, and had cleared up several important points in Yorkshire textile history. For his book, no relevant printed or manuscript source seems to have escaped him, and all are handled with judgement and restraint. There are not many historians who can move with equal ease, as Mr. Heaton does, among the ulnager's accounts of the fourteenth century, the Entry and Order Books of the Seventeenth, the Home Office Records, the manuscripts of the still existing worsted committee, now in charge of a firm of solicitors at Bradford, and the West Riding Session Records, in the charge of the clerk of the peace to the Riding. The result is a book which will stand for a very long time.

Mr. Heaton is working along a line already followed by others when, in his first chapter, he shows the extent and importance of the English, and with it the Yorkshire, woollen industry of the twelfth and thirteenth centuries. He omits, perhaps for lack of evidence, to speculate on the question, when and why did men first take to weaving? It is, however, a question not out of place in any history going back to 'the earliest times'. Possibly, too, more might have been made of the relation, right down to modern times, between the manufacture for home use and the manufacture for market. The medieval state took no interest in 'household' cloths, because it had no price; nor even in 'cogware' and 'Kendal cloths', because, although sold, they were sold to 'poor and mean people' (p. 127: from 13 Rich. II, c. 10). Henry VIII's government (p. 133) made no attempt to regulate cheap goods, Kendals, Northern whites, friezes, and Devon cloths. The way in which the widespread practice of making such things unregulated may have affected municipal and national regulation of other things not always easily distinguishable from them, and may have provided a free rural working force upon which 'capitalism' might draw, has, I think, not been fully appreciated. But it is, of course, a matter rather of speculation than of evidence, and Mr. Heaton does not care to go beyond his facts.

In a very thorough discussion (pp. 15 ff.) Mr. Heaton presents the evidence against the view, recently again supported by Miss Sellers in the *Victoria County History*, that Flemings had much to do with the rise

of the Yorkshire industry. His use of the Freeman's Roll of York and of the Poll Tax Returns seems decisive; in the latter, for example, the whole Halifax area contains only a single Flemish name.

In relation to the general economic history of the country, probably the most important result which emerges from this perfectly unbiased examination of what, throughout the whole period under review, was England's greatest industry, is the continuous, and one might say automatic failure of nearly all governmental regulations in turn, not excepting those of the Tudors. Medieval state regulation of the actual manufacture, under the *ulnager*, was based on the assumption that 'the same quantity of cloth of the same quality must always pay the same contribution to the national chest' (p. 126). It affected only the better marketable cloths. To this was added the local regulation of the crafts. Mr. Heaton inclines to think that both failed: 'it seems to have been impossible effectively to regulate the industry even when it was largely confined to the towns' (p. 130). But government was not discouraged. 'So we get a bewildering maze of legislation, throughout the fifteenth and sixteenth centuries, regulating every detail' (p. 130). This culminates in the Act of 1552, which tried to 'bring all existing varieties of cloth under the power of the law' (p. 135). 'The Act, full of good intentions, achieved very little' (p. 137). Still government strives to assert its own conception of industrial morality; and we get the Act of 1597, with the usual Tudor preamble to the effect that all previous acts have rather increased than diminished the evils they set out to remedy. It was aimed especially at the over-stretching of Northern cloth on the 'tenter'. The Yorkshire justices went on strike and would not administer it (p. 141). The omnipotent Tudor council thundered. The justices remained on strike. The council eased the law, and an Act of 1623 finally registered its defeat.

The early Stuarts were enthusiasts for 'control'. As Mr. Heaton points out (p. 219 n.), there is a wide field for inquiry into the provincial aspects of this movement, whose London side has been studied by Professor Unwin. There were plans for county corporations to control the now half-rural clothing industry. Leeds received its charter in 1626 largely with a view to the maintenance of closer control in the woollen and other industries: 'they shall have all reasonable gilds, and . . . shall divide themselves into separate fraternities, Societies and mysteries', the charter runs. The town's leading magnates tried to live up to their charter. Under Cromwell they are agitating for 'one bodie politick', incorporated, to 'run' the whole Yorkshire broadcloth industry (p. 231). They got it, but 'of its actual working we know nothing' (p. 234). It maintained a nominal existence for about thirty years.

With the Restoration a slackening of continental demand, due to 'Colbertian' forcing-house methods applied by various princes (pp. 251-2, 270), led to the woollen burial and other well-known acts of the period for making a home demand. They were in part effective. But in spite of centuries of failure, the government of the early eighteenth century loaded the statute-book again with laws about lengths, breadths, and weights. In 1738, however, size-regulation was abandoned for narrow

cloths (p. 411). The acts of this period, which provided for numerous searchers, worked for a time; but by 1765 slackness had supervened. Yet there was a final, and gigantic, control act in that year, which set up whole armies of officials; but within forty years its machinery had ceased to work (p. 416). The mountain of old acts regulating manufacture was blown up in 1821.

Labour regulation was but little more successful. The famous and much-quoted rule of 1563 about the employment of one journeyman to every three apprentices was 'in practice . . . disregarded' (p. 107) by Yorkshiremen. The well-meaning act of 1603, which excluded clothier-justices from the bench when wool-workers' wages were under discussion, was intended to be a minimum wage act; but in 1647 the West Riding justices are found assessing maximum wages under it (p. 111). From 1672 the justices never again assessed wool-workers' wages at all (p. 315). As the worsted trade only grew up in Yorkshire late in the seventeenth century, it was always held to lie outside apprenticeship law. In cloth manufacture proper apprenticeship became an economic habit, but 'the justices . . . never seem to have attempted to enforce the full demands of the Act of 1563' (p. 309). Apparently apprenticeship—but for five years, not seven—was maintained in the eighteenth century more by the rule that unapprenticed clothiers might not frequent the Leeds cloth-halls than by any respect for a nearly forgotten law.

So again official suspicion and condemnation of the wool middleman, the 'brogger', never suppressed him—for, though no doubt he often cheated, he met a need—until finally he developed into the most respectable wool-stapler of Hanoverian times, the 'Sheet-Anchor of Great Britain' as the *London Tradesman* called him in 1757 (p. 329).

Although the ulnager did not control all cloth-making in the fourteenth century, the use which Mr. Heaton makes of his accounts (pp. 75 ff.) to illustrate the relative importance of the various parts of England as makers of marketable cloth is of the greatest value. The figures have been used before, but never so exhaustively. Again, Mr. Heaton's intimate and, so to say, personal knowledge of innumerable clothiers of all ages, enables him to show more clearly than has ever been shown before that there was at no time a sharp line between 'domestic' and 'capitalist' clothiers: there was an infinite gradation of intermediate types. His earlier publication of the letter-books of Joseph Holroyd and Sam Hill had prepared us for a much fuller discussion than has previously been furnished of the origins of the worsted industry in the West Riding.

But on one point connected with this matter he seems not perfectly consistent. Early in the book (p. 97) he records, from a will of 1576, that a Leeds clothier owned seven pair of wool-combs. A note says: 'In view of the fact that worsted cloths were not made in the West Riding until a century later, it is difficult to decide the use to which these combs were put.' Yet on pp. 265-6 he allows that the old Yorkshire coverlets had been made of combed (i. e. worsted) yarn, and that worsted fabrics were used in Yorkshire, as the wills show. Is it not probable that the 'household' workers had always employed the comb? It is known that very primitive—I believe prehistoric—wool fabrics show traces of it.

Combed knitting wool is exceedingly ancient, and it is hard to believe that it was not prepared everywhere.

Mr. Heaton's general level of care is extraordinarily high. It may, however, be noted that on p. 209 he calls the same fight in the Civil War in one place Atherton and in another Adwalton Moor. Both spellings are, I believe, possible, but the use of both is confusing. On p. 116 a rise in prices between 1588 and 1676 is attributed in part to debasement early in the century. The point might perhaps be sustained in argument, but not easily. No other even disputable passages or statements have been noted. Throughout the book, material, construction, deductions from facts established are all as thorough and satisfactory as could be wished. They will stand the severest tests.

J. H. CLAPHAM.

*Mythical Bards and the Life of William Wallace.* By WILLIAM HENRY SCHOFIELD. (Harvard: University Press, 1920.)

IN this fresh study of the poem which passes under the name of Blind Harry, or Henry the Minstrel, the late Professor Schofield has attempted to provide a purely literary solution for a problem which has hitherto been reckoned as one of both literature and history. Briefly stated, his answer to the vexed questions which have caused so much inconclusive discussion is that in this instance, as in others, the blind minstrel is not a real person but a type, a late parallel to Homer and Ossian. Blind Harry is only one of those 'mythical bards' who are not to be taken too seriously, and on this account much of the controversy relating to him naturally falls to the ground. The thesis is elaborated with much learning and literary skill, and there is much in the book that is both interesting and instructive. Yet even on the literary side the argument is less closely reasoned than might fairly be expected, and at times is based on misconceptions or assumptions without which it would lose much of its force. Those who are specially interested in the historical bearings of the problem will readily discover other weaknesses in Dr. Schofield's main position. Some of these arise from unfamiliarity with the more local aspects of Scottish literature and history, others from the assumption that what is possible in the dim traditions of Homer, Ossian, or Taliessin is equally possible about the year 1500, and that sober contemporaries are no more to be trusted than a remote and imaginative posterity. This removal of the problem from the sphere of historical study into the vague region of literary parallels has led Dr. Schofield to deal too briefly and too disconnectedly with the evidence for a real Blind Harry, which, when fairly put together, is much stronger than it appears in his pages. The argument that his existence is rendered suspect by the very form of his name and the absence of a surname will appear of little weight to those who have been familiar with similar cases in Scotland in modern times, and the citation of 'Stobo' as a parallel will be recognized as a misunderstanding of Scottish methods of naming persons. It is perhaps in the chapters on 'Master Blair' and 'The Wallace as History' that the avoidance of the historical issues is most prominent. Thus the important question of the proper reading in bk. x. 895 is obscured by attributing the significant

pronoun 'I' to the editor, Dr. Moir, instead of to the manuscript. The error on p. 189 of citing William Stewart's words as Bellenden's is unimportant in itself, but ought not to have appeared in a chapter in which the accuracy of Blind Harry is in question.

Even if Dr. Schofield's literary argument were stronger than it is, and established a fair presumption that 'Blind Harry was only the author's pseudonym', the solution does not help much towards an explanation of the historical difficulties in the poem itself. The relationship in which this stands to the real history of the national hero will still present obscure problems which are not solved by substituting an unknown courtly poet for the humble minstrel to whom John Major bears witness. Nor has Dr. Schofield suggested any adequate reason for the concealment of the real authorship, a concealment which in fact would have been futile if, as he admits, 'it is probable that when his book was written there were many persons in the secret, if secret it was'. If there was no secret, or if it was an open one, why should both Major and Stewart have acquiesced in the attribution to a fictitious Blind Harry? Stewart at least was sufficiently at home in courtly circles to have known the truth.

W. A. CRAIGIE.

*Resolutiën der Staten-Generaal van 1576 tot 1609.* Bewerkt door DR. N. JAPIKSE. Deelen i-iv, 1576-84. (Rijks Geschiedkundige Publicatiën. The Hague: Nijhoff, 1915-19.)

THE high reputation of the Dutch official record publications is confirmed and even increased by these four large volumes. It would be hard to imagine a more thorny editorial task than that of dealing with the resolutions of the states-general for this period. The materials were dispersed among more than a score of archives in Holland and Belgium, and the work of collecting them was increased by the outbreak of war. They were voluminous, miscellaneous in character, incomplete, and untidy. For some of the earlier years considerable parts of them had been printed or summarized in earlier publications, some of them scarce and obscure. Fortunately, the experience of earlier workers like Gachard and De Jonge gave some clues as to the best method of working, the directing commission drew up an elaborate set of rules for the edition, and the work was given to Dr. Japikse, who has brought to it the patience, exactness, and learning which it required. The result is an orderly and convenient presentation of a mass of matter which only the most expert handling could have rescued from confusion. The resolutions are not given in one chronological series, though careful chronological tables are appended, but under a series of subject-headings, varying in number with the changes in the business done by the states-general, of which we may mention as specimens: 'Meeting of the States-General', 'War', 'Foreign Relations' (with subdivisions for the various powers), and 'Ecclesiastical Affairs'. Reference is thus made easy, and the indexes and other aids of the kind make it as easy and certain as can be. The more important of the resolutions hitherto unprinted are given *in extenso*; others are summarized; some, of no conceivable importance, are omitted altogether. The whole is illustrated



by a full use of the correspondence of the states-general and thoroughly annotated.

Dr. Japikse's Introductions to the four volumes give not only full information about the way in which they have been constructed, but also a most useful summary of the constitutional development of the states-general. Although the salient points of this have long been known, the collection of the resolutions gives a more continuous view than was previously possible and makes more fully intelligible the development from the gathering of 1576, facing the emergency of a country where government had broken down, to the strongest governing college of the United Provinces as it stood after the murder of William the Silent. From the first meeting at Brussels there were many wanderings before the final settlement at The Hague. At first in continuous session and dealing with a great variety of business, later the assembly becomes intermittent and its sphere is restricted by the activity of other bodies, while later again its power and scope again extend, and in 1593 it finally settles down into a permanent session. The area which it represents and governs changes, of course, in the earlier years with the fluctuations of the struggle against Spain, a change which has its reflexion in the fact that until 1579 the language of the resolutions is mainly French, in 1580 a good many appear in the Dutch language, and in 1582 it is resolved that Dutch alone shall be used. The correlation of all these changes of function, seat, composition, and procedure can be much better understood now that their sequence can be traced in detail. Not, of course, that there does not remain much to be done: the edition of the resolutions is a mine to be dug, and Dr. Japikse, in his Introductions, throws out some hints, which are already being profitably followed up, about lines of future investigation.<sup>1</sup> There is no department of Dutch history in these years in which it will not greatly facilitate research, and the only caution which must be uttered about its use is that the reader should not neglect the rather formidable lists of *corrigenda*.

G. N. CLARK.

*The Life, Correspondence, and Collections of Thomas Howard, Earl of Arundel.* By MARY F. S. HERVEY. (Cambridge: University Press, 1921.)

THIS handsome and well-illustrated volume embodies the results of nine years' patient research among original documents. The description of Thomas, earl of Arundel, as 'father of *vertu* in England', which Miss Hervey borrowed from Horace Walpole, indicates that which chiefly attracted her to her subject. Her own interest in the fine arts, especially in painting, was strong, and it was above all the career of the famous connoisseur and collector which she delighted to trace. It is indeed as a connoisseur and collector that Arundel chiefly claims recollection. Standing in the foremost rank of the English nobility he took, no doubt, a considerable part in public affairs. He went on an embassy to the Emperor Ferdinand II to advocate the claims of the heir of the unfortunate Elector Palatine, and he commanded the royal army in the first Bishops' War. But his

<sup>1</sup> See *ante*, xxxv. 308.

embassy was necessarily futile, as King Charles could neither offer any inducement nor apply any constraint, and his command-in-chief lasted only for one brief and bloodless campaign.

Miss Hervey was anxious to clear Arundel from the imputations of Clarendon, who represents him as at once greedy and profuse, arrogant and incapable. She thought that Clarendon had been biased against Arundel by his uncle, Chief Justice Hyde, who owed his promotion to Buckingham, Arundel's enemy. The many letters printed in this volume give a more favourable notion of Arundel. He seems to have been excellent in family life, an affectionate husband and father. The charge of arrogance would appear to have had some foundation, although the letters suggest that, apart from this infirmity, Arundel was a kindly man. Some of the facts recorded by Miss Hervey would lead us to think that he was fond of money. But she certainly shows that his profusion was of a noble kind. His enthusiasm as a collector, his sound judgement and his wide sympathies in art, are richly illustrated in this volume. He was an ardent admirer of Holbein, he introduced Honthorst to the knowledge of Englishmen, he was an early patron of Van Dyck, and Rubens termed him 'one of the four evangelists of art'. His activity as a collector was felt from Madrid to Dantzig. For the 'cabinet' or collection of Daniel Nys he gave £10,000, then a prodigious sum. The Arundel Inventory of works of art, dated 1655 and printed here as Appendix V, although far from complete, is most remarkable for extent and variety. Arundel had competitors such as King Charles and the duke of Buckingham, but if Rubens could write so warmly about 'the incredible quantity of excellent pictures and of antique statues and inscriptions which are found in this [the English] Court' (p. 283), the chief praise must be given to Arundel.

Perhaps the most famous part of Arundel's activity as a collector is what relates to classical antiquities. Many persons who would be puzzled to say what they are or where they can be found have at least heard of the Arundel Marbles. On this subject some interesting and amusing letters have been printed by Miss Hervey. Wishing to have excavations made in Greek lands and to remove works of art, Arundel solicited the good offices of Sir Thomas Roe, who, after returning from his famous Indian mission, had been appointed ambassador at Constantinople. Arundel had a zealous agent, a clergyman named Petty, who undertook the actual labour of collecting. But the duke of Buckingham was also forming a collection of antiques. He 'was "not so fond of antiquity to court it in a deformed or misshapen stone" but would not "stand upon any cost" if "beauty with antiquity" could be combined' (p. 270). He likewise claimed Roe's assistance with the Turkish authorities. Roe could not refuse, but suggested to Arundel a division of the spoil, which Arundel declined. Roe especially desired to secure for his friends certain sculptures which adorned the Golden Gate of Constantinople. As a matter of course he tried corruption, but the sculptures were apparently regarded as a talisman of the city, so that any attempt to remove them would create a tumult. The only hopeful expedient, he thought, was to bribe 'some churchman to dislike them as against their law' (p. 272). Eventually he did purchase the consent of 'the great treasurer', but when they

proceeded to take down the sculptures, they 'almost raised an insurrection' and were obliged to desist. Elsewhere he was more successful. 'From Angory I had a half-woman, brought 18 days by land, upon change of mules, which wants a hand, a nose, a lip; and is so deformed that she makes me remember a hospital' (p. 274). And Arundel did ultimately secure a number of statues and some precious inscriptions. The modern archaeologist will shudder at the thought that these perishable objects were set up in the garden of his London house, exposed to our damp climate and the smoke of the capital.

The total want of scholarship which Clarendon imputes to the earl also seems improbable in view of the facts brought together by Miss Hervey. Arundel was a collector of rare books and old manuscripts. When passing through Nuremberg on his embassy to the emperor, he seized the opportunity to secure the Pirkheimer (not as printed in this volume, Dirkheimer) library. He was the friend of Camden, Cotton, Spelman, Selden, and the famous Dr. Harvey. Altogether he was worthy of this elaborate biography. Now that the fate which befell Italy in the seventeenth century has overtaken England and those treasures of art and erudition which made her the wonder of the world are scattering to all the winds of heaven, we may recall with respect and tenderness the name of the first famous English collector. Miss Hervey, unhappily, did not live to complete the *Life*, and Miss Phillimore, who undertook the pious task, has committed a grave error on p. 436, where a resolution of the king and queen in 1642 is mentioned as a resolution of the house of commons.

F. C. MONTAGUE.

*Histoire de Belgique*, vol. v. Par H. PIRENNE. (Brussels: Lamertin, 1921.)

PROFESSOR PIRENNE'S great work on the history of Belgium, the first volume of which was published in 1898,<sup>1</sup> still pursues its way in spite of the interruption of the war and the author's exile. In an interesting preface the professor describes how he completed this volume during the first year of the German invasion, how he was then deported to Germany, leaving his precious manuscript in the safe keeping of his wife, and after the final victory was able to add the finishing touches rendered possible by better access to books. This volume covers the period from the peace of Münster to the end of the Austrian dominion at the time of the French Revolution, as he truly says the most unhappy of all times for his country, when Belgium was the *souffre-douleur* of Europe. But, though he no doubt had much temptation to point the moral of the present from the past, all the more as he was writing in what he calls 'le sein de cette prison collective que Gand était devenu sous le joug allemand', yet he claims with justice that he has written it '*sine ira et studio, sans colère et sans prévention*'. Those familiar with previous volumes of this history will remember that the author makes no pretensions to much original research. He himself merely claims that his work is partly a synthesis of the labours of previous searchers in the field, partly, as he puts it in the preface to

<sup>1</sup> See *ante*, xvi. 555, xviii. 783, xxvii. 362.

his third volume, a vehicle for suggesting theories which may be verified by subsequent research in the archives: nevertheless for some periods or aspects of his work, where there is a dearth of printed materials, he has not hesitated to investigate original sources for himself. In this volume it has hardly been necessary; for the amount of light thrown on the period by French, Belgian, Austrian, and German historians and scholars needs little supplementing. Consistently with the main scope of the history, the author throughout treats all the inhabitants of what is now known as Belgium as one people, with a strong, if sometimes dormant national self-consciousness. How far such a theory is justified by the facts this is not the occasion to discuss: the history must be taken as a whole before we should care to say how far M. Pirenne has made out the case implied in all his volumes covering the period from the Roman time to the present day. It is sufficient here to indicate the value of this volume in assisting the historian to disentangle the confused web of politics and intrigues and wars, of which Belgium was the centre during most of the seventeenth and eighteenth centuries.

It is a commonplace of history that during the greater part of this period the Low Countries were the cockpit of Europe; what is less appreciated, and what the author brings out with effect, is the wonderful recuperative power of the wretched inhabitants of these war-worn regions. Even in war-time, as one observer noted, the population went on cultivating their land, though they were almost certain of not being able to gather their crops owing to the exactions and devastations of the invading armies, a characteristic which they and the inhabitants of French Flanders had not lost in the late war; while directly a brief respite came from war they at once set to work attempting, with much success, to rehabilitate their industry and commerce. This faculty of the inhabitants, quite apart from the better-appreciated strategic causes, accounts very largely for the attention devoted by the greater powers to this small corner of Europe. Hence the importance attached by the Dutch in the eighteenth century to the Barrier treaties; as a strategic defence against France the Barrier fortresses were practically neglected by the Dutch in the eighteenth century, but as a means of raising contributions from the industrious inhabitants and of interfering with their formidable competition with Dutch trade, they were deemed invaluable by that commercially-minded nation. One of the most interesting instances of this fear of competition from the Low Countries, not only on the part of the Dutch, but still more from the English, was the trouble caused by the Ostend East India Company and the influence it had on the general politics of Europe, until this pathetic attempt of Charles VI to revive the trade of the Austrian Netherlands was suppressed. This incident of the Ostend Company, as related in this volume, shows well the merits and limitations of the author's scheme. The story is told quite briefly, yet adequately for the main facts, but if one wanted to explore the subject thoroughly one would have to go to the authorities, which are fully set out in the foot-notes. So again for Marshal Saxe's lightning campaigns in the Low Countries during the war of the Austrian Succession: they are summarized in a couple of pages, but so clearly and with such an insight into the strategy involved that

unless one were writing a military history, no better guide to their significance could be found.

Taken as a whole this volume is a most valuable help to the student of the eighteenth century for the clear way in which it brings out the influence of Belgian history, hitherto not enough realized, on the general history of the century. One also finds occasional gems of political theory hidden away in the narrative, of which, to conclude, I shall only quote one example. Speaking of the politics of that curious little independent bishopric of Liège, the professor writes :

Les petites nations ne s'intéressent, en général, qu'à leur politique intérieure. Mettant leur orgueil non dans l'esprit de conquête et de domination, mais dans l'esprit civique, elles supportent facilement des mésaventures que de grands États considéreraient comme des humiliations intolérables. Elles sentent confusément que la violation du droit n'est une honte que pour le violateur.

This perhaps was hardly written *sine studio* during the German occupation ; but it is profoundly true of many manifestations of power even in these peaceful days.

BASIL WILLIAMS.

*Le Cardinal de Boisgelin (1732-1804)*. PAR L'ABBÉ E. LAVAQUERY. Tome i, *Un Prélat d'Ancien Régime*. Tome ii, *La Révolution, l'Exil, Le Concordat*. (Paris : Plon-Nourrit, 1920.)

THIS is a detailed, accurate, and interesting biography of one of the lesser-known bishops of the *ancien régime*. It is characteristic of the history of the period that Boisgelin—owing to his very moderation—never gets much more than a few words from any historian. M. de la Gorce indeed has given a considerable space to Boisgelin's attitude on the question of the oath of the clergy, but Boisgelin is not the kind of man to find favour with M. de la Gorce. This biography, therefore, fills a gap in French ecclesiastical history. Vol. i deals with the life of Boisgelin before the Revolution; vol. ii is an account of Boisgelin's part in the constituent Assembly, his exile, and his return to administer the diocese of Tours under the Concordat. The author has been able to use a great deal of hitherto unpublished material, and though at times he gives so much detail that it is difficult to follow the main thread of the story, some of the letters and diaries are—especially the extracts from the diary of the Abbé de Véri—of great interest. It is, incidentally, very much to be hoped that M. Lavaquery will be able to carry out his plan of publishing this diary. The account of Boisgelin's nine years of exile in London is too short rather than too long—though the author has, naturally, had to plan his book in accordance with his materials. One would, however, much like to hear Boisgelin's comments (if any survive) on the English society in which he mixed.

M. Lavaquery in no way idealizes Boisgelin, neither does he moralize over the astounding changes of fortune of an aristocrat who lived the ordinary life of a nobly-born French bishop of the *ancien régime*, saw his comfortable and elegant world disappear into chaos, and finally, under a new dynasty and after ten years of exile, became a cardinal and ruled over the diocese of St. Martin. But it is possible for a reader who

compares Boisgelin's early intrigues for rich sinecures and a rather cheap literary fame with the disinterested zeal and hard work of his old age to draw interesting conclusions. In dealing with Boisgelin's own career, M. Lavaquery brings in a number of curious and interesting facts, such as the instructions to the preacher who was to deliver from the court pulpit the official panegyric of St. Louis that (in order to satisfy an enlightened age) 'no mention need be made of the Crusades', or the careful solicitude of Napoleon's government in instructing four newly-made cardinals not to give the same present to the Roman messenger who announced their promotion. The letters of Boisgelin's father are delightful: he objects to his son's expenses at the Sorbonne ('vous vous imaginés que je dois tout prodiguer pour un très petit cadet qui n'a pas mille livres de rentes de sa mère et qui prend audacieusement son père pour son caissier'), and yet pays all his bills. He is continually urging his son to obtain preferment ('Il faut penser à une abbaye. Que tous les autres objets cèdent à celui-là, que toutes vos démarches y tendent'), and yet does not wish him to secure a place at court ('Les mœurs y sont bien exposées, l'air y est contagieux. Vous sçavés que c'est un état oisif').

Perhaps the greatest testimony to Boisgelin's character was not his ability to realize—in spite of his own past, and of surroundings as an *émigré*—that the future of the Church must not be linked with the future of the Bourbons, but his patient dealings with a nagging anti-clerical prefect at Tours. Thirty years previously Boisgelin had practically ruled a province; he was now, as an archbishop and a cardinal, hampered at every turn—in spite of the wishes of the higher civil powers—by a minor functionary who could be foolish enough to issue an official calendar ordering the Tourangeaux to use Confucius, Zoroaster, Popilius, Lois, and Aspasia as names for their children. But, although he could take the 'new Charlemagne' pose of Napoleon with apparent seriousness, Boisgelin had a sense of humour. In the first frenzy of the Revolution he could tell the story of the garde national who took his son to swear to the constitution in Notre-Dame, and gave his orders: 'Jure, mon enfant.'—'Quoi, Papa?'—'Jure, te dis-je.'—'Ah non, Papa.'—'Veux-tu bien jurer, petit coquin!'—'Eh bien, Papa, sacré matin!'

E. L. WOODWARD.

*William Bolts, a Dutch Adventurer under John Company.* By N. L. HALLWARD. (Cambridge: University Press, 1920.)

MR. HALLWARD has written this account of William Bolts in order to make available new 'material . . . regarding the relations of the East India Company and its servants with the country powers, with the natives of India in general, and with rival European traders'. On all these aspects of the Company's life the book does afford valuable illustration. The East India Company, though the descendant of an ancient stock, was to diverge widely from the track of tradition. Conditions in the East new to Englishmen forced it into territorial holdings; new ideas at home turned the separate ventures into a joint stock with an organized series of courts of shareholders and directors, and, more important than all, entangled it in the network of patronage and party by which in the

eighteenth century a plutocracy governed Great Britain. Thus the East India Company became a pioneer in many directions. In the East, at first a foreign 'Hansa' with self-contained factories, a foreign body within the Mogul organism, it made experimental adjustments with the Indian country powers; later became at Calcutta an accredited agent and official of that empire, finally a sovereign power treating with the rest on equal and on superior terms. In trade, too, the Company explored new methods, tested principles not then fully recognized, and so made economic as well as political law. Vehemently accused of breaking the medieval rules by depleting England of treasure, it proved triumphantly that its output was seed returning a rich crop of wealth in kind to the mother country, and its stock by 1765 became the greatest prize of speculators. In its operations, as in a mirror, Adam Smith could read the clear lines of his *Wealth of Nations*. But it was self-contradictory in its economic policies because it faced two ways. Firmly entrenched in protection itself, it was a hard and fast monopoly with regard to its English rivals; yet in India it seems to have been the pioneer of free trade. Again and again 'free and open trade' within the limits of its producing area is the text of the directors' sermons to their councils abroad,<sup>1</sup> yet in the same correspondence they urge them to the severest measures against all interlopers in their markets.

In the life of William Bolts Mr. Hallward illustrates these facts and the effect of them by the doings of a man who, like the Company itself, played a double part. Ostensibly a servant of the Company, he was really far more concerned to promote his own private trade and amass a fortune. Ejected by force from his post and from India, he then assumed with equal ardour the part of interloper and enemy of the monopolist Company. Living as he did while the Company was in transition from the phase of tolerated foreign traders to that of the sovereigns of India, Bolts can hardly be blamed, as he might be half a century later, for challenging that claim to sovereignty, nor for using the then recognized right of a Company's servant to exploit private trade. The excesses to which his operations led him in the treatment of natives were faults of which most of his fellows and superiors were equally guilty, and the restraint of which was as much their responsibility as his own. It was for the finer souls among them in the next decade to take up this responsibility and to set up the first standards of a code of honour unsurpassed by any nation in their treatment of subject peoples. Bolts was not to be of that great company. Enraged, not without excuse, that those who envied and emulated his gains should pronounce judgement upon him, and perceiving with his keen intellect that the *causa causarum* lay with the exponents of a rotten system, he spent the rest of his days exposing and attacking them with all the means he could control. His pamphlets and 'Considerations' were some of the first sketches of Indian affairs to reach the British public and to set aflame the blaze of a prejudiced indignation from which Britons seem more prone to suffer, and to suffer more violently than their neighbours, and which, inflamed by monetary losses, reached its crisis of injustice in the attack upon Warren Hastings. Nothing comes out more clearly in this *Life* than the difficulties which beset the Company's

<sup>1</sup> See *ante*, xxx. 28-41.

government in dealing with such men. Bolts belonged to that group of private traders which included Hay, Amyatt, and Johnstone, and whose protagonist in resisting the Nabob's control was Ellis, only delivered from infamy by the tragedy of his end in Patna. It is significant of the indecisive character of the Calcutta rule that, despite his well-known audacities, Bolts was appointed alderman of the mayor's court of justice, and was thereby enabled to defy the council's order for his expulsion from India for over a year. His later career is full of an even wider historical interest. He attacked his late employers not only with his pen, but, by ingratiating himself at Vienna, he prevailed upon Maria Theresa to create a company for eastern trade and to dispatch an expedition under him. He reached Surat in the *Joseph and Theresa* after having 'asserted a right to' Delagoa on his way out 'by virtue of a grant from the African king to her Imperial Majesty', and having 'left ten men and some guns to maintain possession'. Once in India he intrigued with the Chevalier de St. Lubin, a very similar adventurer in the French king's service, an ally of the Nana Farnavis, aiming at undermining the position of the British in India while America revolted. In this intrigue much light is thrown on the relation of the English Company to traders of other nationalities, and their attempt to maintain their monopoly against any new comers.

Bolts succeeded in securing good cargoes of silks, &c., settled three factories on the Malabar coast, one on the Nicobar Islands, and returned to reconsolidate his position in Europe. But despite the support of the Emperor Joseph and the grand duke of Tuscany, and his enterprise in exploiting new avenues opened up by Captain Cook, he was foiled by the treachery of his partners, the firm of Proli of Antwerp. The Ostend Company which he had thus promoted was weakened by their intrigues and by shipping losses, and his ruin finally consummated by a panic among the shareholders. In 1784 the company collapsed with a loss of ten million florins.

To students of the history of the British occupation of India Mr. Hallward's book comes as a very useful commentary on the events of the late eighteenth century. There appear to be one or two slight errors in production which confuse the meaning; on p. 57, ll. 8 and 10, 'your' stands perhaps for 'you a', and 'surprised' for 'apprised', while on l. 24 'whom' is a curious error for Bolts to make. In chapter xiii the documents seem to have been confused here and there with the text; on p. 69, the four last lines seem to be the letter itself of 27 July, while on pp. 71, 73 parts of the document are printed as text. M. E. MONCKTON JONES.

*Histoire de France contemporaine depuis la Révolution jusqu'à la Paix de 1919.* Publiée sous la direction d'ERNEST LAVISSE. Tome ii, *La Révolution (1792-1799)*. Tome iii, *Le Consulat et l'Empire*. Par G. PARISET. Tome iv, *La Restauration*. Tome v, *La Monarchie de Juillet*. Par S. CHARLÉTY. Tome vi, *La Révolution de 1848*. Tome vii, *Le Second Empire*. Par Ch. SEIGNOBOS. (Paris: Hachette, 1920-1.)

IN this history M. Lavissee follows the same arrangement that he adopted for the earlier series on the history of France up to the Revolution. That



is to say, each chapter begins with a bibliography and no sources are given for any particular statement or quotation. The volumes are not indexed separately, but no doubt, as in the previous case, the last volume will contain the general index. The gravest defect is the complete absence of maps and plans. If these were omitted on the grounds of expense, the illustrations, taken from contemporary prints and pictures, which are a new feature of the present series, might well have been sacrificed, although undoubtedly of interest and historical value. M. Pariset, who is responsible for the two volumes under discussion, contributed the chapters on the Consulate and Empire to the Napoleon volume of the *Cambridge Modern History*. Some comparison between the two histories is inevitable. The English series, with its volumes separately as well as generally indexed, its chronological tables and its book of maps, is superior as a book of reference, but from its general plan it is almost impossible to use for any other purpose. From the literary point of view the French series is far better. It is only necessary to compare M. Pariset's two chapters in vol. ix of the English series with vol. iii of the French, which covers exactly the same ground, to see how he gains in interest when he is free to arrange all his material and is not hampered by the conflicting claims of other specialists.

M. Pariset is no dryasdust historian. His pages abound in lively sketches of the principal characters. One example will suffice :

Cambacérés était un méridional prudent et délié. Il aimait la représentation, la vie large et confortable ; sa table fut la meilleure de Paris, ses allures étaient pleines de dignité. Il avait le regard fauve et la voix aiguë, mais son grand corps était aussi solennel que son nom aux quatre lentes syllabes, et il avait les gestes si cérémonieusement compassés qu'on lui donnait souvent plus de soixante ans quand il n'en avait pas encore cinquante.

Though M. Pariset does not encumber his narrative with criticism of his sources; his conclusions are based on the latest research, and where they are a matter of opinion they are qualified by such phrases as ' la preuve documentaire manque ' or ' l'histoire de ces événements n'a pas encore été écrite '. His account of that most confused and difficult period from the opening of the convention to the fall of Robespierre is far the most convincing and consistent which has yet appeared. He insists that though the mass of the population was indifferent or secretly hostile to the government, yet throughout it had the support of the convention. The majority was Girondin till 31 May, Montagnard till the 9 Thermidor, and Centrist from then till its close. The Gironde as much as the Mountain was responsible for the first revolutionary measures voted on 18-21 March 1793. The Centre was not a party of negative opinions, it accepted revolutionary government as a necessity, and its continuance was dependent on that acceptance. ' Le 9 thermidor n'a été ni une révolution, ni un coup d'état, mais un déplacement de majorité parlementaire.' M. Pariset's distinction between a revolution and a *coup d'état* is interesting and ingenious, and following his definition the revolution of 31 May should be more exactly described as the *coup d'état* of 2 June.

When the Directory took office there were four possible lines of foreign

policy open to it—'recul jusqu'aux anciennes frontières, maintien du territoire défini par la Constitution, conquêtes volontairement bornées jusqu'aux limites naturelles [the Rhine, Alps, and Pyrenees], expansion indéfinie et impérialisme révolutionnaire par la propagande à main armée'. M. Pariset would have been a whole-hearted supporter of the third policy, and the tenor of his second volume is that every misfortune which befell France was due to the adoption of the last programme by Bonaparte. Throughout the account of his political and military domination, M. Pariset is obviously striving to be fair to a character naturally antipathetic. Two quotations illustrate his point of view: 'Si la guerre est un art qui vaut par lui-même, la manœuvre de Bassano est digne de l'admiration des militaires.' 'Bonaparte se représentait la paix comme un moyen et non comme un but.' This second dictum may be compared with the cause recently assigned for Napoleon's ultimate failure by his last and greatest disciple in the military art, Marshal Foch: 'Il oublia que la guerre n'est pas le but suprême, car au-dessus d'elle il y a la paix.'

During the Consulate and the Empire the foundations of contemporary France, and indeed of contemporary Europe, were laid. M. Pariset describes the political, economic, and social reconstruction in considerable detail and with admirable clarity. His two volumes are a notable contribution to modern history. The general reader will read them with enjoyment and the student cannot afford to do without them.

M. A. PICKFORD.

The fourth and fifth volumes, which are contributed by M. S. Charléty, together with the sixth and seventh by M. Charles Seignobos, give on the whole an admirable account of French history from the First Restoration to the foundation of the Third Republic. In accordance with the general plan of the work, an important part is allotted to the development of political ideas, and to the religious, social, and economic life of the period. M. Charléty in particular devotes one long chapter in each of his volumes to a detailed examination of economic conditions under the Restoration and the July monarchy. He fully confirms the conclusions at which Dr. Clapham has recently arrived, as to the conservatism of French industrial life, and further expresses the opinion that there was a real depression in the condition of both the agricultural and town labourer during this period. He follows the general view, however, in regarding the revolution of 1848 as essentially the revolt of the bourgeoisie against Louis-Philippe and Guizot, whose attempt to transform the July monarchy into a narrow and quasi-legitimist conservatism seemed so near complete success. He considers the working classes to have been thoroughly disheartened and cowed by their defeat at Lyons and Paris in 1834. The religious revival, without which the course and the sequel of the revolution cannot be properly understood, meets with full and interesting treatment. One of the most valuable features of these volumes is the detailed examination of the distribution of political parties in 1820, 1850, and 1870. Two things in particular are striking in this survey: the large areas which always give their support to the *de facto* government, as being the best guarantee of the preservation

of law and order; secondly, the permanence of the lines of political cleavage, which is noticeable not only in such well-defined areas as Brittany and Alsace, but in the violent legitimism of the department of Vaucluse, which is not extinct to-day, or in the radicalism of Mamers, the constituency of M. Caillaux.

The treatment of foreign policy, on the other hand, is short and, in the case of M. Charléty, generally summary. He makes the curious statement that Alexander was ill-disposed towards France at Aix-la-Chapelle because she refused to join him in a crusade against liberalism, whereas Alexander's conversion to the Metternich system was not completed till Troppau, and had not begun in 1818. He repeats the fable that Great Britain was responsible for the disastrous decision of the Porte in declaring war on Mehemet Ali in 1839; and his account of the Spanish marriages is so discreet in its omissions as to be seriously misleading. It is unfortunate that he should not have availed himself of Sir John Hall's work on England and the Orleans monarchy, but, as is usual with French historians, the admirable bibliographies which accompany each chapter contain very few, and those neither the better nor more recent, of English authorities. M. Seignobos's treatment of foreign affairs, however, though short, is clear and exceedingly impartial. It is impossible to find elsewhere within a few pages so scrupulously fair an account of the origin of the Franco-Prussian war. The engravings which accompany these volumes are a great improvement on those chosen to illustrate the earlier part of the series. They are as a rule both useful and illuminating. It is a pity that no maps are included; for though military history is designedly treated in the merest outline, the student would often find them of great service, as for instance in assimilating the distribution of political parties, the value of which has already been mentioned in this review. It is to be hoped that more attention will be paid to the binding of these volumes, as loose pages and engravings are still an unnecessary annoyance to the reader. C. R. CRUTTWELL.

*The Economic Development of France and Germany, 1815-1914.* By J. H. CLAPHAM, Litt.D., C.B.E. (Cambridge: University Press, 1921.)

THE year 1815 is a good starting-point for a true comparison between two countries which never went through an industrial revolution themselves, but which began rather late to profit by the experiences of our islands and were able to develop their own life at their own pace. Dr. Clapham reveals his own preference for agricultural France as against industrial Germany, and all through this extraordinarily able comparison, for that is what it amounts to, he makes every point tell that he can in favour of that country which in Europe has remained almost stationary in all fundamental economic tendencies, in spite of political developments which, at the time, appeared to be sensational in the extreme. He has selected rather inevitably Belgium as the meeting-point between the rival Latin and Teutonic civilizations, and although nominally Belgium is not considered as a separate identity in the European system, its economic influence creeps in at every stage of his general review.

Inferentially, Holland is left out of the West European system. Nominally a richer country than Belgium, she has had little part in our progressive civilization except that of an investing spectator, and perhaps it is one of the most interesting points in the industrial history of the West that the revolution of 1830, separating two such small countries as the two halves of the Netherlands, should have had such a far-reaching international effect. The politics of that revolution Dr. Clapham leaves entirely aside, but the immediate results of it were shown in the magnificent development of the Belgian railways, which in its way has set an example in the commercial organization of transport, such as this country, with all its claims to be the mechanical inventor of railways, cannot pretend to rival. For instance, the new short line running from Brussels to Malines, opened in May 1835, carried more passengers over its short distance in twelve months than all the English lines together in the same year. The explanation lies in the fact that the Belgian railways had waiting for them a demand for passenger transport unequalled in many areas immensely greater. The statesmen of Belgium of that date at once saw their opportunity, and with commendable promptitude took over this new instrument of civilization as a national enterprise. They were aware of the limitations of their own small country, and planned their system to be a subordinate one to the greater European extensions of the future. They recognized their favourable position as a land of passage, and thereby placed their country in the forefront of the railway building of Europe. It is pleasing to record the names of the two men responsible for this act of foresight: Lebeau and Rogier.

In another respect Belgium led the way. In 1822, while the country was still united to Holland, she utilized the distinction made by the Napoleonic Code between *crédit foncier* and *crédit mobilier* to devise under the latter category a model of a general bank, which was less a bank of deposit or issue and more an industrial investment machine than any financial institution known at that time. In fact, it is quite correct to attribute, as Dr. Clapham has done, the origin of the 'Great Three' German banks, so powerful before the war, to the essential parentage of the *Société Générale pour favoriser l'Industrie Nationale* of Brussels. While M. Émile Vandervelde declaims his indignation against 'this mighty capitalist machine', he is paying his own country an immense compliment as having been the first to organize among the nations of Europe what is probably the most complete, and potentially in the future the most powerful, type of modern bank that we know. It is a pity that this promising line of argument was not followed up. In describing the share taken by the German banks in developing German monopolies and contrasting this movement with the similar and parallel development of the American trusts, no mention is made of the modern consortium, which is now well known in political circles in China. Dr. Clapham gets very near it on p. 394, where he quotes from the report of the Dresdner Bank of 1908 of the formation of a syndicate consisting of nine or ten banks and bankers to participate in laying a deep-sea cable line, but he fails to note the significance of this new creation. The consortium was a financial instrument, the product of German brains, invented not to originate, but to

control and to limit, the great combinations and kartels which were growing up within the protected area of imperial Germany. The consortium was not like an American trust—a coalition of powerful interests with one general and oppressive policy—but a neutral meeting ground for rival interests over a common but isolated purpose. The great banks which took part in these syndicates were far from making a general combination. They were rather undertaking the formation of a pool, both of their money and of the skilled talents available to each of them, in order to conduct a particular industry together without prejudice to their right to fight one another elsewhere. This organization of consortiums in pre-war Germany carried the civilization of finance to a finer point than many of the more sensational transatlantic developments. In the hands of the great money giants of Germany they were a means of devising the maximum of co-operation consistent with continued rivalry, and if the late war could have been averted or postponed for fifty years we should have seen an intensely interesting commercial struggle of Central Europe using this delicate rapier of German origin with the New World equipped with the clumsier bludgeons of Wall Street and Bethlehem.

The survey of the relative agrarian progress of France and Germany is quite masterly, and here evidently lies the centre of gravity of Dr. Clapham's economic interests. Apart from transport by land and sea, the industrial development of Central Europe is to him an accepted fact rather than a matter of curiosity or wonder. He mentions in its place the transforming influence on the French and German manufacture of steel of the Thomas-Gilchrist invention (1878) for removing during manufacture the phosphorus of the *minette* and similar iron ores in Lorraine and Luxemburg, without giving full weight to the ultimate effect of the miracle which it was.

The design of the book, which is tessellated with dated chapters on rural, industrial, transport, and financial questions, dealing with each country separately in turn, militates against broad discussions as to policy and progress. Subject to these almost inevitable limitations, the present work covers probably with final completeness a great era of continental expansion with logically firm terminal periods at each end. In fact, 1914 for Central Europe winds up effectively so many prosperous activities that it would have been well worth while to use all pre-war data, of which there has been a large amount available for some years, to sum up conclusions which are not likely in the future to be much altered or reversed. Especially is this the case in the department of high finance, where in the first place the German banking system deserves fuller treatment, and secondly, the financial balancing mechanism of Austria, industrially quite negligible, can be shown to be the clearing-house of European commitments in the Middle East.

Particularly deserving of praise are the clear and brief explanations of commercial-legal systems, such as the distinction between the *société anonyme* and the *société en commandite* of France with the parallel but by no means identical differences existing in Prussia between the *Aktien-Gesellschaft* and the *Gesellschaft mit beschränkter Haftung*.

With reference to the vital questions of population now perturbing

statesmen in our island and in Western and Eastern Europe, I should like to have seen some notice taken of the valuable arguments brought forward by Mr. O'Farrell in favour of the view that the indemnity imposed on France after 1870 was sufficient to make that over-prudent group of families limit the increase in the birth-rate some years before that approaching phase of timidity became a general phenomenon among white races. While his arguments cannot be finally accepted, they have not received the attention they deserve nor been authoritatively set aside, if that be possible.

G. B. DIBBLEE.

*The Lebanon in Turmoil ; Syria and the Powers in 1860. Book of the Marvels of the Time concerning the Massacres in the Arab country, by Iskander Ibn Yaq'ub (sic) Abkariüs, translated and annotated, and provided with an Introduction and Conclusion by J. F. SCHELTEMA, M.A., Ph.D. (Yale Oriental Series, Researches, vol. vii. New Haven : Yale University Press, 1920.)*

A WORK called *The Unveiling of the Troubles of Syria*, published in 1895 in Cairo, claims to be the first account in Arabic of the massacres of 1860 ; it is anonymous, the author perhaps feeling that he was *incedens per ignes suppositos cineri doloso*. It was followed in 1908 by a work called *An Eye-witness's Account of the Disasters of Syria and Lebanon*, printed from the manuscript of one Dr. Mikhail Mashaqah by two editors who give their names. Of a third narrative, bearing the above title, there is a manuscript in the Landberg Collection of Yale University Library ; of this Dr. Scheltema has published an English translation with ample commentary, introduction, and conclusion. The whole work is a sort of political pamphlet, of which the object is to show that the Turks are not as bad as they are painted ; that the massacres of 1860 were brought by the victims on themselves ; and that the troubles of the Near East are in the main due to the greed and craft of the European powers. In the second and third of these propositions the author does not differ seriously from earlier writers on the events. In the *Unveiling of the Troubles* equal blame is bestowed on the Maronites and the Druses, and the English support of the Druses and the French support of the Maronites are branded as equally unscrupulous ; and Rosen, whose excellent *Geschichte der Türkei* goes no further than 1856, in his account of the Lebanon question evidently takes the same view. On the other hand, it does not appear that Iskander Abkarius contributes to the whitewashing of the Turk. It is a matter of history that the Turkish officers who should have prevented the massacres instead facilitated the work of the Druses and Moslems, and occasionally tried to profit by their atrocities ; some of the worst offenders were indeed punished, but without European intervention the probability is that they would have got off scot-free.

The two other Arabic writers attribute the massacres to Turkish instigation, and since the Lebanon had been quiet for fifteen years there must have been some cause for the renewal of the disturbances. Mashaqah gives the name of the *agent provocateur*. The loss of dignity resulting from the part played by Turkey in the Crimean War is alleged as the reason

why a terrible lesson was deemed necessary for the Christian subjects of the Porte. The Armenian massacres of the late years of the nineteenth century were certainly dictated by a similar motive.

Dr. Scheltema's work is, without doubt, an interesting contribution to the history of the horrors which shocked Europe in 1860, and made Turcophiles of the time come to the conclusion that the Turk was incorrigible. The translation appears to be scrupulously accurate, and great trouble has been taken to elucidate what is obscure. An index and a bibliography would have been welcome; an important item in the latter would have been the collection of diplomatic correspondence on Syria and Lebanon, translated into Arabic by Philip and Farid al-Khazin, of which three volumes were issued at Juniyah (Lebanon) in the years 1910 and 1911. The American writer's condemnation of European diplomacy does not appear to be very judicious. When recriminations of this sort begin there is no saying where they will end. There are some who attribute the Armenian massacres indirectly to the American missions in the Ottoman Empire. They suppose that the lessons received by Armenians in the American schools filled them with aspirations which brought upon them the vengeance of the Government.

D. S. MARGOLIOUTH.

*Archaeologia Aeliana*. Published by the Society of Antiquaries of Newcastle-upon-Tyne, and edited by R. BLAIR. Third Series, vols. xvi, xvii. (Kendal, 1919-20.)

VOLUME xvi, though it contains reports which show that the Society has come through the war with prospects of carrying on successfully, is still a war volume. It contains, however, nine papers. The most important is the concluding fasciculus of the catalogue of Durham seals. This comprises a rather miscellaneous collection of Scottish bishops and ecclesiastical officials and monasteries, foreign seals (ecclesiastical, episcopal, and miscellaneous), a few municipal seals, and a short supplementary list in which there is one item of great interest, a seal of c. 1109 of Harold's College of the Holy Cross at Waltham. There are seven plates of the usual excellence, though a good many of the Scottish seals are badly damaged. Mr. Hunter-Blair's notes have become a 'Who's Who' of the owners of the original seals; and he even attempts to attribute several specimens to the same engraver (p. 158). Professor Mawer contributes some notes on Place-names, apparently in anticipation of the volume which he has since published; the most striking are on Corbridge, Haltwhistle, and Hexham. Mr. Hodgson's paper of forty pages on the Manor and Township of Ovington traces very exhaustively the devolution of various properties, by purchase rather than inheritance. Mr. A. M. Oliver sketches less minutely the history of the charity of St. Elgy (Eligius) in All Saints' Church. The Society must be congratulated on the acquisition of the copper-plates recorded on p. x. There is a pleasant sketch of that indefatigable chronicler of Newcastle, the late Richard Welford. The other papers are less important.

With the seventeenth volume the Society returns to pre-war dimensions, at the same time it completes the very valuable series of articles which

has formed its main undertaking during the war. The first 135 pages contain the third edition of the Catalogue of the Inscribed and Sculptured Stones of the Roman Era in the possession of the society, with a great number of new woodcuts of a superior type and some process prints, and with additional references. In one or two cases the cuts should be altered to correspond with the readings now adopted; but for the most part the catalogue is sound and workmanlike. The collection, derived to a great extent from the principal camps on the Wall of Hadrian, from the earlier excavations at Corbridge, and from such outlying posts as High Rochester, is representative of all varieties of Romano-British monuments, and includes some objects of great value, such as the soldier (88), the Hercules (86), the Victory (93), the tombstone of the (? bearded) lady (101), and the inscription in honour of Hadrian (98). The minor articles and collections of documents are well assorted. There are biographies of Professor Haverfield, Thomas Slack of Newcastle, and Uthred of Boldon, with pedigrees and accounts of the ancestry of J. H. Hinde and of a glass-making Tyneside family of Italian origin, called Dagnia, connected with the Pauls of Gloucester. The Clervaux cartulary is of little general value; but it contains a certain number of interesting place-names and field-names. Mr. W. H. Knowles's account of the house of the Black Friars at Newcastle seems at first short and slight; it is, however, carefully illustrated, and on examination will be found to be a very competent and even exemplary sketch of a fair-sized friary.

But once again the fasciculus by Mr. C. H. Hunter-Blair, in the form of a final 'Note upon mediæval seals with special reference to those in Durham Treasury', will attract most attention. It is a really competent survey of the subject, with eight more plates of seals and sealed documents and other relevant objects; and when it becomes the introduction to a separate edition of the Greenwell-Hunter-Blair catalogue, for which it appears to be written, it will greatly enhance the value of that work, for which additional notes (pp. 300-13) and corrections (pp. viii-xi) are also provided. It would be difficult to better Mr. Hunter-Blair's concise descriptions of the development, both of the seals themselves as works of art, and of the various accessories to their use, such as material, shape, method of attachment, &c.; and his illustrations supplement the previous plates, to which he gives copious references, so as to elucidate by good examples every point in his survey of the subject. Here and there indeed is still room for conjectural emendation; e.g. GOD HELPE THE POPE (p. 296) must surely be GOD HELPE THE PORE, and 'John de Grey Rotherfield' must be John Grey, baron of Rotherfield; but Mr. Hunter-Blair will probably find more corrigenda for himself than any one will find for him. It is sad that Dr. Greenwell should not have lived to see the completion of the grand edifice erected on his foundations.

H. E. D. BLAKISTON.



## Short Notices

In his *Lineamenti dell' Evoluzione Tributaria nel Mondo Antico* (Milan : Società Editrice Libreria, 1921) Signor E. Ciccotti has contrived to give in some two hundred pages an admirable account of the methods employed by ancient states in the taxation of their subjects. Though the book contains little that is new to those who are familiar with the standard works of such writers as Wilcken, Rostowzew, Cagnat, and Seeck, we doubt whether there exists in any language so convenient a summary of recent work on ancient finance, and an English translation would be a real boon to students. Though about two-thirds of the book is devoted to Rome, the later empire being discussed in considerable detail, there are some valuable pages on the Persian Empire and the Greek states, and a good general account of the financial institutions of Ptolemaic Egypt, which exercised so great an influence on Rome. Signor Ciccotti is, indeed, prevented by limitations of space from dealing fully with disputed points, but he refers to the main controversies and gives a summary of the arguments on both sides. It is only occasionally that he makes a questionable statement, e. g. (p. 94) that the foreign policy of the *equites* was one of 'continual expansion'—a view which has been combated with considerable success by Dr. Tenney Frank and others—or (p. 119) that under Roman rule mines were 'frequently' left in private hands. Again, in the discussion of the fiscal reforms of Diocletian an undue amount of space is devoted to the antiquated writings of Savigny. But these are slight blemishes, and the book is a very scholarly, if not a very original, contribution to ancient history. Of particular interest at the present time are the criticism of Diocletian's attempt to fix prices, and the demonstration that during the last centuries of the Western Empire bureaucratic control and excessive taxation were fatal to industry and all forms of production.

G. H. S.

Although Mr. Charles Wendell David has discovered no new materials for the life of Duke Robert, he has produced in his *Robert Curthose, Duke of Normandy*, Harvard Historical Studies, vol. xxv (Cambridge, Mass. : Harvard University Press, 1920), an extremely useful monograph, which takes account of all the printed evidence, with the slight and doubtful exception of the poem known as the *Regimen Sanitatis Salernitanum*, which is sometimes supposed to have been dedicated to Robert, on the occasion of his visit to southern Italy in 1100. Hitherto the best available study of Robert has been the article by Miss Norgate in the *Dictionary of National Biography*, published in 1896 ; and it is curious that Mr. David makes no reference to this article. But Miss Norgate did not distinguish

sharply enough between the Robert of legend and the Robert of history, and she made little use of the charters. This latter defect is excusable enough; she had not even the invaluable *Calendar* of Dr. Round at her disposal, for this was only published in 1899. Mr. David is more fortunately situated, and he has made excellent use of the Norman and English charters to supplement and to control the chroniclers. His book is of course intimately connected with the researches of Dr. Haskins, and has been prepared with the assistance of that scholar. But Mr. David has wisely confined himself to the work of a biographer, without digressing into the field of institutional research. By this specialization he has secured space and leisure for the careful discussion of chronological points, and it is perhaps in chronology that he has rendered his chief service to his subject. The career of Robert crosses that of more important personages at so many points that the dating of his movements sometimes throws light on questions of more general interest. A case in point is that of Robert's relations with his father. He went into exile twice in the latter half of the Conqueror's reign, and with the help of the charters Mr. David is able to fix the dates. The first exile began after 13 September 1077, and ended shortly before Easter 1080, that is to say about a year after the siege of Gerberoy (pp. 19-29). The second exile began in or shortly after 1083 and was continued till September 1087. In this connexion Mr. David challenges the date of 1084 which, in common with Dr. Round, I have assigned to a charter of confirmation in favour of Lessay, granted by King William and attested by Odo of Bayeux and Henry *filius regis*. Mr. David objects that Odo of Bayeux could not have attested a charter of William I in 1084, and suggests that the grant was made by William II in 1091. I cannot agree that Odo's presence at court in 1084 was impossible; but I am more impressed by the fact, on which Mr. David rightly insists, that there is no other evidence of Robert being with his father after 1083 (pp. 30, 35-6). In an appendix Mr. David gives a useful list of Robert's companions on crusade (pp. 221-9), which, however, would be still more useful if it included those who like Hugh Bunel (p. 112) attached themselves to Robert in the course of his campaign. I cannot help feeling that Mr. David is somewhat arbitrary in his criticism of Orderic's well-known account of the capture of Laodicea by English pilgrims, among whom he gives the chief place to Edgar Atheling. William of Malmesbury seems to know nothing about Edgar's peregrination, except that he had a companion Robert, son of Godwin, who fell at Ramleh in 1102; while Orderic is particularly well informed about events at Laodicea in 1098 and 1099. The adventures of the English crusaders at Laodicea are related in the most confused way by the authorities; but there seems to be no real difficulty, chronological or otherwise, in accepting the statement that Edgar was with them and that he induced his companions to hand over the city to Duke Robert.

H. W. C. D.

MR. R. Withington has now completed his *English Pageantry: An Historical Outline* (Cambridge, Massachusetts: Harvard University Press, 1920) by a second volume, in which he deals with the Lord Mayor's Show from the earliest times to 1919; Survivals and Revivals, under

various heads, such as Folk-Pageantry, Trade-Pageantry, Political Pageantry; the Parkerian (dreadful word) Pageant; and Pageantry in the United States. He has added a very full and useful bibliography and a copious index. This second volume is similar in character to the first, though from the fact that it is in large part concerned with pageantry of quite recent date it will prove of somewhat less interest to most readers. If the material is somewhat undigested these two volumes will prove a valuable storehouse of information for future inquirers. Mr. Withington has supported his text with abundant notes. As suggested in a notice of the first volume in a former number of this Review<sup>1</sup> the notes would have benefited by the exercise of a little more discrimination. It is rather unfortunate that the volume should begin with the doubtfully accurate statement 'Early in the thirteenth century King John granted a mayor to the citizens of London, who had hitherto been governed by bailiffs. The first man to hold this office was Sir Henry FitzAlwin, who was sworn in in 1209.' This is supported by a lengthy and rather confused note, in which many authorities of no weight are cited, whilst there is no reference to Dr. Round's decisive handling in the *Commune of London*; there is of course no question that Henry FitzAlwin was mayor as early as 1193. When discussing the origin of the water procession, Mr. Withington dismisses the statement that John Norman was the first mayor to go by water in 1453 as mere tradition. But the version of the *Brut* known as *Caxton's Chronicles* (which was compiled between 1464 and 1470) states definitely that Norman went by water 'which was never used afore, but sith that time they have gone ever by water in barges'. In spite of the evidence Mr. Withington adduces for a water procession in 1422, this is conclusive that the *practice* dated from 1453. No doubt the reason for a departure from custom in 1422 was that the city was in mourning for Henry V and therefore the procession was abandoned, the mayor and crafts going by barge, which was at the time the ordinary means for going from the City to Westminster. None of the other references to the use of barges before 1453, which Mr. Withington cites, appear to relate to the mayor's procession. The statement which Mr. Withington quotes from the 1618 edition of the *Survey* as to Norman having had a barge made at his own charge seems to be a mere piece of tradition interpolated by Anthony Munday; Stow made no such statement. C. L. K.

Dr. Giuseppe Gerola, whose works upon the Venetian monuments of Crete and the mediæval buildings of the thirteen Sporades occupied by the Italians were reviewed in these pages,<sup>2</sup> has published a valuable monograph upon the island of Seriphos in the Italian period—*Serfino* (*Seriphos*)—at Bergamo (Istituto Italiano d'Arti Grafiche, 1921). The monograph, which is profusely illustrated, contains a brief summary of the island's history under its Latin lords (1207–1538), of whom one, Alvise Michiel, has left his coat-of-arms, dated 1433, and now over a house door near the remains of the Venetian castle. Of later monuments 'little Seriphos' also possesses three double-headed eagles, while traces of Venetian influence linger in two or three place-names, in the church bells,

<sup>1</sup> *Ante*, xxxiv. 269.

<sup>2</sup> *Ante*, xxi. 370; xxiii. 772; xxxi. 309; xxxv. 307.

and in the sacred pictures of the late Cretan school of artists. The monastery of the Archangels is the most interesting building in the island ; Dr. Gerola, in his detailed account of it, omits to notice Zerlentes's paper about it in that scholar's recent 'Ιστορικαὶ Ἐρευναι περὶ τὰς Ἐκκλησίας τῶν Νήσων.<sup>1</sup>

W. M.

The sixth volume of *Inquisitions and Assessments relating to Feudal Aids, 1284-1431* (London : Stationery Office, 1920) is of greater interest and value than was to be expected. Of the series of returns which the deputy-keeper of the records began to print in 1899, all had been published in the previous volumes save those for Yorkshire, and of the Yorkshire returns three—Kirkby's Quest, the returns of 1302-3, and the *Nomina Villarum* of 1316—had been printed over fifty years ago by the Surtees Society. It happens, too, that the records of the later inquisitions and levies prove to be somewhat disappointing, those for 1346 being by no means complete and those for 1402 very meagre. These Yorkshire returns, however, take up little more than half the volume, and the editors have made a wise use of the space at their disposal by adding a number of miscellaneous records. Among these may be mentioned (1) supplementary returns of 1346, 1402, and 1428 (taken from subsidy rolls 'lately incorporated in the existing collection') for the counties of Berks, Lincoln, Oxford, Rutland, and Surrey ; (2) returns for twenty counties of the inquisition of 1412 as to owners of lands or rents of £20 a year ; (3) lists of knights' fees of the duchy of Lancaster. There are several indexes, which appear to be thorough and scholarly. Those responsible for the preparation of this volume are to be congratulated on the generous spirit in which they have accomplished their task, and on the completion of a work that will prove of abiding value to the 'local' historian, the genealogist, and the student of place-names.

W. T. W.

In *Walter de Wenlok Abbot of Westminster* (London : Society for the Promotion of Christian Knowledge, 1920), Dr. E. H. Pearce, now bishop of Worcester, continues and, it is to be feared, concludes his valuable researches in the rich muniments of Westminster Abbey. Fortunately the archives of his see offer opportunities, as Canon Wilson has shown, and we hope that the bishop may find time to use them. The preservation of between three and four hundred of Wenlock's business letters, of elaborate ordinances for the regulation of his household, printed here with a selection of other documents, and of accounts for some of his journeys at home and abroad, enable Dr. Pearce to give a very full and vivid account of his abbacy. The evidence hardly supports the imputation of sleepiness and slackness which has been made against Wenlock and his monks in explanation of the burglary of the royal treasury in 1303, though it does not contribute much to clear up that mysterious affair beyond an apparently clear statement that the repository of the treasure was the prior's chamber near the refectory, and not the chapel of the pyx or the vault under the chapter-house which have been suggested by Dr. Armitage Robinson and Professor Tout and others respectively. Wenlock was an

active and business-like person who can scarcely have been sixty years of age at the time, but he was so frequently absent on his country estates and so absorbed in their management that he cannot have devoted very close attention to what went on in the Abbey, in which he never resided even when he was at Westminster. Owing to an expensive system of administration and a pernicious practice of making costly presents to personages whose favour it was desired to secure, he was constantly in debt, and in 1291 retired to France for several months to escape from his creditors and live more economically. This at least is the only apparent explanation of his stay there. Among those who lent him money from time to time was Thomas Romayn, whom Dr. Pearce curiously describes as a Jew, whereas he was mayor of London in 1310 and founded chantries in two City churches. The general impression of Wenlock that one gains from the evidence presented and, we may add, from the contemporary portrait which forms the frontispiece, if it is a portrait of him, is hardly so favourable as that formed by Dr. Pearce. He does not seem to have shown either tact or shrewdness in the quarrel with the prior and his friends over the delimitation of the respective portions of abbot and convent which left a schism in the Abbey for years after his death. Yet perhaps he had a grievance in that the prior and convent had varied the old compositions while he was still only abbot elect and not in a position to resist with effect. It is surprising that Dr. Pearce does not make this point in his favour. In place-names forming part of surnames the medieval form is used in the text, but where there is a modern form it is better to use it. The index is not free from omissions. F.

In three lectures on *The Year Books* (Cambridge: University Press, 1921) delivered in the University of London, Mr. W. C. Bolland has used his intimate knowledge of these books to give a general introduction to their study. The first two lectures contain an account of the manuscripts and editions, with a summary of Mr. Bolland's well-known theory of the origin and purpose of the books; the third draws attention to some of the discoveries in legal history which have resulted from modern studies in them, and gives a number of stories illustrative of medieval social life and language. G.

Mr. Bolland's former contribution to the *Year Books of Edward II* has been so recently noticed in this Review<sup>1</sup> that there is need to do little more than record the appearance of a successor, vol. xviii (London: Quaritch, 1920), wholly devoted to pleas of Michaelmas term 8 Edward II. Its appearance shows that the Selden Society is gradually getting over the difficulties caused by the war, but if all its editors had been like Mr. Bolland, these difficulties would have been less than they have actually turned out to be. This instalment follows the usual plan and is marked by all Mr. Bolland's sterling qualities as editor. In the introduction perhaps he allows himself a little more freedom than he used to do. His excursus on jury service under Edward II is brightly written, and presents in an interesting form the expenses, labour, and sufferings of a juror summoned to Westminster from

<sup>1</sup> *Ante*, xxxv. 125-7.

a remote shire to take part in common bench pleas in a time of increasing civil disturbance. But all Edward II's reign was not quite as troublous as Mr. Bolland makes it, and the number of Canterbury pilgrims in a year of jubilee was no fair index of the throng to St. Thomas's shrine in ordinary years. Equally welcome and sprightly is the digression on medieval travel and inns. And even more so is the important speech of Chief Justice Geoffrey Scrope in 1329, which throws a real new light on the trial of the judges in 1289-90, and throws back a story, only known hitherto from a document of Richard II's reign, to within time of living memory. It is possible, however, that Scrope, in his anxiety to prove his point, rather glossed over Hengham's other possible convictions. Yet however much that may be, 8,000 marks was a wicked fine for such small offences, and may well be set down to the greed for money rather than to the zeal for righteousness of the 'English Justinian'.

T. F. T.

The second volume (1381-5) of the *Calendar of Close Rolls* of the reign of Richard II (London: Stationery Office, 1920) follows the first after an interval of six years. It contains perhaps a rather larger proportion of matter interesting to the general historian. After the Peasants' Revolt so many clerks fled in fear of impeachment that the collectors of the clerical subsidy in the archdeaconry of Essex had to ask for a special discharge for sums due from them (p. 17). Only broken light is thrown upon Richard's policy during these years. The evidence of the patent rolls that he first began to use the signet for public business in the summer of 1382 is confirmed. It was by a letter of the signet to the mayor of London that John of Northampton was arrested early in the following year (p. 369). A long series of precautions in view of expected French attacks are recorded. By August 1384 the king was in serious financial difficulties and ordered the treasurer to make a *chevaunce* of the large sums he needed for the defence of Calais and the Scottish marches, &c., 'though such chevaunce be to the king's hurt and loss; as he is assured that by reason of his present lack of money a chevaunce must needs be made, and would not that the treasurer or any other of the council should hereafter be impeached or troubled for any such loss' (p. 472). The chancellor (Michael de la Pole) was too much occupied with business of the realm to attend to private grievances (p. 475). In the field of administration, we have the keepers of the Great Seal (in August 1382) reproved for taking upon them to present to a living, and the Irish chancellor (in 1384) for holding parliament, laying imposts, and granting pardons without special authority of the king, or of Philip de Courtenay, his lieutenant in Ireland then absent (p. 500). Of less public importance is the interesting list of the prises and perquisites of the constables of the Tower, including any vessel driven from its moorings or otherwise not under control between Gravesend and London Bridge (p. 178). In consequence of 'the dearness of cloth, furring and lining' in 1382 the cost of the summer and winter liveries of the clerks of the chancery is put on record (p. 147). Entries on pp. 111-12 have led to the identification of the Essingham in Kent, where Justice Rickhill was awakened at midnight on 5 September 1397 for his mysterious journey to Calais, with Islingham in Frindsbury

near Rochester. Students of medieval trade will find interesting details of cargoes and prices in the many entries relating to the payment of customs duties, and the arrest and de-arrest of foreign ships. The use of Rewley Abbey as a hostel for Cistercian students at Oxford may be noted (p. 17). Mr. Bird's abstracts are made, as far as we can judge, with great care. He notes more than one error in Rymer's transcripts. We should have expected *on* rather than *of* in the London inn sign 'the Sword of the Hoop' (p. 130). The index, which is the work of Mr. J. T. Morris, is also well done, with a very satisfactory proportion of subject entries, especially under the headings of Law and Administration, Taxation, Tenures, and Trades and Occupations. One of two mentions of Cotton (p. 436) is overlooked.

J. T.

The aims of Mr. W. H. R. Curtler in *The Enclosure and Redistribution of our Land* (Oxford: Clarendon Press, 1920) are to furnish the general reader with an approach to the study of the enclosures by a sketch of the earlier history based on recognized authorities and to cast some fresh light on several points in the later history, such as the expense of enclosing; the renting of commons; and the concessions made to small-holders in enclosure acts. He provides a useful *résumé* of the county reports of the Board of Agriculture, 1793-1815, and gives an account of the later general enclosure acts down to 1876, and of the allotment movement and the small holdings acts. Mr. Curtler's desire 'to do tardy justice to the fast vanishing class' of great landholders does not prevent him from stating the case with moderation and detachment. His introductory chapters have the merit of presenting to the general reader some of the results of scholarship which were not available when Mr. Johnson published his Ford Lectures; but the authorities whom he cites would probably demur to the statement that there is little fresh to be discovered. The unexplored material for the history of enclosures from the fourteenth to the eighteenth centuries is very great and most of the current generalizations will have to be revised. The foremost of these is that the enclosures were due to the expansion of sheep-farming caused by the Black Death and by Edward III's encouragement of the cloth industry. The export in 1273 of wool was already 32,743 sacks, which implies nearly six million sheep (apart from the wool consumed at home), and these sheep fed on rough pasture already covered a great part of the land. The export never greatly exceeded this amount. Edward III did not encourage either the wool or the cloth trade; he taxed both. The cloth industry flourished before his time and the increased export of cloth in the fifteenth century does not, in view of the diminished export of wool, imply an increase in sheep-farming. The statistics published by Professor Gras in his *Evolution of the English Corn Market* show an increase in the export of corn from 1460 to 1585. It cannot be doubted that in the sixteenth century sheep pasture was in many places displacing tillage and population, and that this caused much misery and discontent; but, apart from the great improvement in tillage wrought by mixed farming, there was probably going on, at the same time, much reclamation of waste for tillage, and it is unlikely that there was a decrease of the agricultural population as a whole. 'Depopulation'

in the sixteenth century has a purely relative and local significance. The tillage act provided no effective remedy and would if carried out have stopped all improvement. The Crown through the farmers of its demesne took a leading part in enclosure in the interests of its revenue. The detailed study of this complex economic development, so admirably inaugurated by Mr. Tawney, needs to be carried through the seventeenth century before we can hope to understand some of the central aspects of English social history. In the meantime Mr. Curtler's book furnishes a useful and well-balanced survey of existing knowledge. G. U.

In his *Geschichte des Europäischen Staatensystems von 1492 bis 1559* in the series 'Handbuch der Mittelalterlichen und Neueren Geschichte' (Munich: Oldenbourg, 1919) Dr. Eduard Fueter has essayed a task somewhat novel, a review of the institutions, methods, and equipment of European states and of their relations with each other. Those who know his *Religion und Kirche in England im fünfzehnten Jahrhundert* (1904) and his *Geschichte der neueren Historiographie* (reviewed in these pages in 1912<sup>1</sup>) will not be surprised at his taking a line of his own and following it with success. And they will find that once more, to quote the words of his former critic, he has done it 'without a superfluous word'. In this new work, which has waited too long for review, he gives the student help got with difficulty elsewhere, as he deals with arrangement of material and judgements upon history, rather than with history itself. The knowledge of details is extensive but never obtrusive, and the bibliography is thorough, although for Venice Mr. Horatio Brown might have been referred to. The book might be described as an introduction to the history of the period, and as such it gives adequate guidance. The detached point of view enables this to be given better than in some other works where the religious and doctrinal issues are allowed to overlie the political and constitutional: significantly, therefore, the Reformation does not fill much space. We are dealing with a world which was changing, apart from religion and thought, under the influence of other forces comparable with them. The writer is concerned (as many students and some writers of history should be) mainly with the European system of states and with political organization. These changed less than is sometimes supposed, but such change as there was is fully sketched in one large section, following the sketch of the states as they were, to begin with. The first section describes the institutions and tendencies of international policy, diplomacy, military forces (upon which much information is admirably and concisely summarized), commerce, intellectual and religious tendencies, and so on. The second section takes the states one by one; for Venice, for instance, we have commerce, internal organization, army, navy, diplomacy, foreign policy, towards Turkey, the Italian states, and Austria. The pages on Venetian diplomacy very briefly correct a too general over-estimate, in a way typical of the work. The third and fourth sections sketch the changes in the system of states from 1492 to 1559, turning mainly upon the successive Italian campaigns. The book might be described as a statesman's historical manual, doing for the period what the annuals of the same type do for

<sup>1</sup> *Ante*, xxvii. 124.



a year, and it should be extensively used all the more because it is clear, concise, and free from rhetoric.

J. P. W.

The distinctive feature of Dr. H. E. Bolton's and Dr. T. M. Marshall's *The Colonization of North America, 1492-1783* (New York: Macmillan, 1920), is the 'attempt to bring into one account the story of European expansion in North America down to 1783'. The key-note of the volume is expansion; and such expansion is dealt with not only from the point of view of European countries—Spain, Holland, and Sweden as well as England and France—but from the point of the English American colonies in their movement towards the West. The history of the English colonies is told with great clearness and impartiality; and there are the usual excellent maps, to which one is accustomed in American histories.

H. E. E.

In the second volume of his book *La Réforme en Italie*<sup>1</sup> (Paris: Picard, 1921) M. E. Rodocanachi treats of reform from the point of view of the papacy. The half-hearted efforts of renaissance popes, such as Clement VII and Paul III, to stem the rising tide of protestantism, which reached its height during the pontificate of Julius III (1550-5); the organization of the counter-reformation by Cardinal Caraffa and his friends; the rekindling of religious fervour within the catholic church; the growing intensity of religious persecution until at length the reaction had done its work and reform in Italy had ceased to exist: these are the principal topics. The ground is less untrodden than that which is covered by the earlier volume. Nevertheless, M. Rodocanachi has collected much interesting material. His detailed account of the working of the tribunals of the Inquisition and his description of the varying fortunes of the reform movement in different parts of Italy bear witness both to the minuteness of his investigations and to his knowledge of local Italian conditions. The story of Cardinal Borromeo's fruitless efforts to make the nuns of a Dominican convent in Milan conform to the precepts of the counter-reformation with regard to the exclusion of strangers and the shuttering of windows is one among many which add a light touch to the narrative, and at the same time show something of the reluctance with which Italy yielded to the sterner principles of a movement alien to her past traditions.

C. M. A.

In *The Household of a Tudor Nobleman* (University of Illinois Studies in the Social Sciences, vol. vi, no. 4, 1917) Mr. Paul Van Brunt Jones has made a very careful and detailed study of the internal economy of the great households in the sixteenth century. He gives an elaborate account of the personnel of the household, the duties of the numerous servants, the provision of food supplies, the financial management, the ritual of service in chamber and hall, the conduct of divine worship, and the methods of charity. The book as a whole would have gained by compression and greater conciseness of style, but it contains much useful information on the subject with which it deals.

E. L.

<sup>1</sup> See p. 264 above.

The second volume of *Willem de Eerste Prins van Oranje*, by Dr. P. J. Blok (Amsterdam: Meulenhoff, 1920), is on the same lines as the first volume.<sup>1</sup> It carries the history through the pacification, the rule of Matthias, and of Anjou, down to the murder of the prince, and is an admirable narrative, the interest of which is sustained to the end, while it is informed by a legitimate enthusiasm for the hero. It would sometimes have gained, at least to a foreign reader, by a fuller discussion of surrounding circumstances not strictly biographical; for instance, how far they really justified Orange in his adherence to the policy of supporting Anjou against the wishes of his own supporters. The book is very well illustrated, and the authorities relied on are given in notes at the end. There are two appendixes, one on the prince's estate (which was heavily indebted at the time of his death), and one on the sources and literature of the prince's life. There is a poor index consisting merely of names of persons and places. Thirteen groups of figures after 'Utrecht', or twelve after 'Culemborg', are not very helpful with two volumes to hunt through, and it is to be hoped that in the next edition this may be remedied. It is a small defect in an admirable book.

H. L.

Professor H. G. Rawlinson's *British Beginnings in India, 1579-1657* (Oxford: Clarendon Press, 1920), gives, in the words of its sub-title, 'an account of the early days of the British Factory of Surat', together with a narrative of the earlier efforts made by English merchants to get into touch with the East Indies. The author has made skilful use of the extensive materials now available, and the result is a very readable sketch, which brings together within one cover information hitherto scattered over many volumes. It is disturbing to notice at the outset that the list of authorities (p. 6) omits two out of the five volumes of Mr. Sainsbury's well-known calendars, while in the six other items there are four mistakes. Proceeding, one finds occasional slips in names and dates, and, in at least three cases, errors in transcribing passages from earlier writers. Another sign of haste occurs on p. 81, where the details given of Sir Thomas Roe's first interview with the Emperor Jahangir at Ajmer include some which properly belong to the ambassador's visit to Prince Parwiz at Burhanpur. However, the work has many merits, and the reader will probably be willing to overlook its shortcomings in consideration of the general interest of the story it tells. An attractive feature is the inclusion of ten photographs from Surat of the Fort, the English tombs, and 'the old English Factory'. As regards the last named, it may be noted that the official tablet placed upon the building in recent years has evidently misled Mr. Rawlinson into thinking that this was the factory dwelling of the period with which he was dealing. As a matter of fact, the seventeenth-century factory was long ago demolished, and the connexion of the existing building with the East India Company cannot be carried further back than to about the year 1700.

W. F.

We have before us a short book by Dr. G. H. Turnbull, *Samuel Hartlib. A Sketch of his Life and his Relations to J. A. Comenius* (London: Milford,

<sup>1</sup> See *ante*, xxxv. 308.

1920). Hartlib is probably best known to-day from the fact that he was the man to whom John Milton addressed his tractate *Of Education*. He was *par excellence* the great encourager of educational effort and thought. It was he who urged John Dury to write *The Reformed School*. William Petty associates his *Advancement of some particular parts of Learning* with Hartlib. So, George Snell, *The Right Teaching of Useful Knowledge*. And, again, Hezekiah Woodward wrote his *Light to Grammar and all other Arts and Sciences* at Hartlib's entreaty. But, most noteworthy, it was Hartlib who introduced John Amos Comenius to English readers. It was he probably who induced the parliament to invite Comenius to this country, with a view to organize (if this be not too strong a term) education in England. Though a foreigner, his educational influence in England was unparalleled. As Masson says: 'Everybody knew Hartlib.' In his convinced belief 'schools are to be looked upon as the main Foundation of a Reformed Commonwealth, without which no other work of Reformation will ever be effectual'. Schools should be provided, according to Hartlib, for 'the vulgar', for 'the gentry', for scholars, and for the 'sons of the Prophets', or seminaries for the ministry of religion. J. A. Comenius, John Dury, and Samuel Hartlib were an educational triumvirate who bound themselves to act in common in matters educational. Their plan, substantially, was the reunion of the churches throughout Europe, and the promulgation of schemes for common aims and methods of education, on a puritan basis parallel with the churches. They were, in fact, educational internationalists of an evangelical type. Dr. Turnbull examines, in a very exact and comprehensive piece of research, the relations between the two, Hartlib and Comenius. He introduces John Dury, but in view of his close relations with Hartlib with scarcely sufficient treatment. Hartlib, of course, has received a good deal of attention. But Dr. Turnbull has certainly done excellent service in bringing together all the facts gathered by others as to Hartlib's life, and has succeeded in adding a considerable amount of further detail. We are glad that he has brought forward to English readers the substance of Joseph Webbe's two letters, and in the appendix appears William Brooke's criticism of Webbe's use of the 'clausulary' method of teaching languages, which is of considerable pedagogic interest. Dr. Turnbull's monograph throws valuable light on Hartlib's proposals for an 'Office of Address', an international bureau, for communication 'in matters of the mind' amongst the scholars and teachers, as well as thinkers and men of progressive ideas.

F. W.

Mr. Edgar Prestage has added to his valuable contributions to Portuguese diplomatic history *A Embaixada de Tristão de Mendonça Furtado á Holanda em 1641* (Coimbra: Imprensa da Universidade, 1920), in which he works out clearly the story of the mission which concluded the truce of 1641, the first mission of King John IV to the Dutch after the Restoration. Although he has been unable to find more than one letter of the ambassador himself, he prints as appendixes a narrative and a later justification of the truce by the secretary Antonio de Sousa de Tavares, the relevant extracts from the French diplomatic records and the Portu-

guese texts of the truce itself, and the formal communications exchanged between the ambassador and the Dutch. These and other Dutch records which he has used enable him to show that, in spite of contemporary criticisms, the conclusion of a truce on both sides of the line was as much as Portugal could reasonably expect, and the shortcomings of the ambassador were of minor importance. H.

In dealing with the fourth embassy of King John IV to the states-general, Mr. Prestage, who, with Senhor Pedro de Azevedo, has edited for the Academy of Lisbon the first volume of *Correspondência Diplomática de Francisco de Sousa Coutinho* (Coimbra : Imprensa da Universidade, 1920), has to deal with a far greater mass of material. Nearly four hundred quarto pages are occupied by Sousa Coutinho's letters for the years 1643 to 1646, nearly all of them addressed to the king, the secretary of state, and the Conde da Vidigueira, ambassador in Paris. The memorials presented by Sousa Coutinho to the states-general are to be published by another editor. The first period of his mission was anxious and indecisive. Neither side abode faithfully by the truce of 1641, and beyond the line there was a state of unofficial war such as was not uncommon in that age. Although Sousa Coutinho's nominal objects were a definitive peace and the restitution of the old Portuguese possessions by the Dutch, the time for these was not yet. Eight years later the peace came after open war and when the destinies of the disputed places had been settled locally by arms : in the meantime the Dutch ' *rezão de estado* ' was based on procrastination. In his secondary task of advancing the Portuguese claim to representation at the Congress of Münster, Sousa Coutinho suffered much from an exasperating colleague, and the general tenor of his negotiations was not smooth. He was the only Portuguese representative of the time who can be called a professional diplomatist, an able and human figure, and an old friend of his master. The main value of his long, though not uninteresting dispatches is in filling out the details of his own work : to the general history of the time they do not seem to add much that is new. They and the illustrative documents in the appendixes have been edited with care and judgement, the brief notes identifying the persons named and solving most of the difficulties of the text. We could wish that the list of *errata*, even now not absolutely complete, had been a little shorter, and it would be worth while to give in a later volume a facsimile of one of the letters to Vidigueira. Mr. Prestage's lucid introductory account of the negotiations serves as a guide to the contents of the volume : we cannot repine if the editors have been unable to include summaries of the individual letters. Economy was necessary, and it was wise to omit these and give the letters in full instead of abridging the text and expanding the auxiliary *apparatus*. H.

In his book on *Kongeloven, dens Tilblivelse og Plads i Samtidens Natur- og Arveretlige Udvikling* (Copenhagen : Hagerup, 1920), Professor Knud Fabricius follows up his biography of the great Danish publicist, Peter Schumacher Griffenfeld (1910), with a study on his most remarkable work, the so-called Royal Law of 1665, which has not without reason been called

the only consistent legal expression of the principle of absolute monarchy in Europe. Careful research in the development both of political thought in Denmark and of constitutional and testamentary forms in the archives of Copenhagen and the closely related court of Dresden enables the author to solve most of the problems debated between former students of the Royal Law, such as the Danish *Rigsarkivar*<sup>1</sup> A. D. Jørgensen, in his study of its right of succession and his earlier biography of Griffenfeld (2 vols., 1893-4), and the chief librarian of the Royal Library at Copenhagen, Chr. Bruun, in his book on *Enevældens Indførelse i Danmark i Kongelovens Tilblivelse* (1887). Thus the book forms a most important contribution to general constitutional history. On the one hand it describes the slow growth of hereditary kingship, primogeniture, and the succession of female lines, out of the medieval mixture of election and dynastic right called *regnum legitimum* (in opposition to *haereditarium*) by the German and Danish lawyers of the seventeenth century (p. 151), and *Geblütsrecht* by the most recent German explorer of medieval monarchy, Dr. F. Kern, whose book on *Gottesgnadentum und Widerstandsrecht* (Leipzig, 1914) Dr. Fabricius might with advantage have compared. The influence of Hobbes on the theory of hereditary monarchy in Denmark, at least in the individual career of Schumacher, who imbibed the high church mysticism of Hobbes's adversary, Dean Fell, at Christ Church, Oxford, turns out to have been less prominent than had been urged by Jørgensen. On the other hand, there is the dramatic picture of the concrete circumstances under which, in much the same way as in the monarchies of France and Central Europe, Danish absolutism arose from the quarrels and degeneration of representative government by estates (*Ständestaat*) as a higher form of organization, backed by the inferior and progressive classes of society, such as the towns and the peasantry, against the feudal aristocracy. What embarrassed liberal historians like Fredericia and Jørgensen as a 'most dubious' or 'quite superfluous' document, is thus more justly recognized as a legal symbol of modern statecraft, born, it is true, like the Pragmatic Sanction of Emperor Charles VI or Frederick William I of Prussia's edict on the domain, of the conception of government as a private right handed down to successors in testaments and 'paternal dispositions', but just for that reason the memorable foundation of a new and thorough political order. Excellent photographs introduce the reader to the manuscripts of the chief preparatory stages of the Royal Law, from the first deliberations in the estates committee of 1660 to the Latin draft by which Fabricius could definitely identify Schumacher as the author of the final codification.

C. B.

The social and economic historian will find much to interest him in the *Household Account Book of Sarah Fell of Swarthmoor Hall*, edited by Norman Penny (Cambridge: University Press, 1920). These accounts of the step-daughter of George Fox contain little new information about the founder of the Quakers, though the entry, 'by mother paid for tobacco pipes for father *Id.*', shows that he had adopted a habit he had formerly denounced

<sup>1</sup> [*Dansk*] *Historisk Tidsskrift* 5 R. vi, republished in his *Historisk Afhandlinger*, vol. iii.

(pp. 363, 583). The real value of the accounts lies in the light thrown upon the daily life of a middle-class household during the years 1673-8. Not much can be discovered about Swarthmoor Hall itself, except that the chimney money returns show that it had thirteen hearths, that it was heated by peat fires—coal was used only for a forge on account of its price, £28 to £32 a ton (pp. 30, 277, 323)—and that it was lighted by candles costing about 4d. a pound. As for the inmates of the house, Margaret Fox and her three maiden daughters, it is clear that they were not content with the grey homespun in which Quaker ladies are usually depicted. They wore white kersey, Scotch cloth, black and red ferret, red petticoats, silk, ribbons of every hue, cotton stockings (at 3s. 6d. a pair) and woollen stockings, variously dyed sky-colour, sea-green, &c., white cotton gloves and 'vizard masks'. One lady at least possessed a pocket looking-glass, while all seem to have had their own watches. There is much to illustrate the extent to which female labour was employed. One Peggy Dodgson performed most of the tasks of the household and the farm. Among her many occupations were washing, knitting and spinning, filling and scaling manure (that is, spreading it over the ground), harrowing and dressing meadows, working hay, raking bracken, and spreading peat. Her wages average about a penny a day. Other wages for a year for women are £2, £1, 10s. 6d., and 2s., though the absence of particulars of their additional allowances in food, clothes, &c., renders these figures deceptive (pp. 3, 57, 73, 347). But it is obvious that both men and women were paid in this remote district at a far lower rate than that of the southern counties. Finally the editor and his helpers can be congratulated on the accurate transcription and valuable notes which they have supplied. Very few slips have been noticed, but 4 pounds of sweet butter can scarcely have cost 8s. 8d. (p. 85), since the usual price was about 2½d. a pound. Hearth-money did not exist as a tax from the Conquest, nor was it legalized in 1674 (p. 530)—the editor has forgotten that the reign of Charles II began legally in 1649. It is regrettable that the glossary, which is mentioned (p. 519), is not to be found in this volume. G. D.

The reprint of the first volume of Dr. Wolfgang Michael's *Englische Geschichte im achtzehnten Jahrhundert*<sup>1</sup> (Berlin: Rothschild, 1921) is scrupulously described on the title-page as a *Titel-Ausgabe*, but an appendix of ten pages has been added after the index, in which are given five miscellaneous illustrative extracts from manuscripts. Three of them are diplomatic papers dealing with the court of George I, a fourth an extract from a pasquinade against him, and the fifth the preliminary instructions of Craggs to Byng before he set out to find the Spanish fleet in 1718. I.

The work of Professor Bernard Moses, *Spain's Declining Power in South America, 1730-1806* (Berkeley: University of California Press, 1919), treats in rather episodic fashion the attempt made by the Bourbon government of Spain to establish more effective control in South America, an attempt which met with dubious success, owing to the development of the South American communities, their uneasiness under irksome

<sup>1</sup> See p. 276 above.

imposts and restrictions, and the infiltration of new ideas from abroad. Conditions in the several 'kingdoms' of South America are illustrated by an accumulation of facts, not always confined to the period under review. The reforms and innovations introduced under Charles III and his successor are narrated; also the expulsion of the Jesuits, the British invasion of the River Plate, and various revolts or conspiracies in Peru, New Granada, Chile, Venezuela, and Trinidad. Some of these events, notably the Chilian conspiracy of 1781, have not hitherto received due attention from historians. Much of the information collected by Mr. Moses is not easily to be found elsewhere.

F. A. K.

William Shirley, who dearly loved to be in the foreground, would have rejoiced could he have known that some two hundred and twenty-five years after the date of his birth he would be the subject of at least four authoritative volumes. A few years ago two volumes were devoted to his public correspondence, and now Dr. G. A. Wood, in his *William Shirley, Governor of Massachusetts, 1741-56* (Columbia University Studies in History, Economics, and Public Law, 1920), deals with his life up to 1749; with the promise of a future volume relating to his work as commissary at Paris, for the settlement of the Nova Scotia boundary, as governor and general in the early phases of the decisive struggle for Canada, and lastly as governor of the Bahamas. The most fastidious critic could find few flaws in Dr. Wood's present volume. Not only has he apparently read and digested the authorities, printed and in manuscript, bearing on his subject; but he is also the possessor of a lively style and of an acute critical faculty. It is the more satisfactory to find that Shirley's reputation emerges enhanced from a most careful investigation. Some reasons are given for doubting Hutchinson's suggestion that Shirley's active intrigues led to Belcher's downfall. We are accustomed to regard Shirley at a later date as a somewhat absurd civilian soldier; but we find him as early as 1746 recognizing the importance of the future site of Halifax, and his policy with regard to the Louisbourg expedition is here fully vindicated. Dr. Wood writes with strong, though natural, animus against blundering British ministers, and perhaps ascribes to malice in the Duke of Bedford's behaviour what admits of other explanations; still the general conclusion holds good that, if attention had been paid to Shirley's advice, the conquest of Canada might have been taken place under much easier terms, and the heritage of debt have been, in great measure, avoided which was the immediate cause of the American Revolution.

H. E. E.

The third volume of Mr. Arthur Charles Cole's *Centennial History of Illinois* (Springfield: Illinois Centennial Commission, 1919) covers the period of the struggle about the expansion of slavery, the civil war, and reconstruction, 1848-70. The part which Illinois played in the history of this period is important. At its beginning Illinois was still in the condition of the frontier; towns were few, railway building had hardly begun, the industrial future of the state was as yet unrealized, but population was flowing rapidly in. At its end the frontier had passed

away, great towns had sprung up, Chicago ruled the middle west, and, both in an agricultural and industrial state, Illinois had established its prime importance in the life of the nation. And at the same time Illinois had been the scene of some of the great political events of the time—the Lincoln-Douglas debates and the nomination of Lincoln at the Chicago convention of 1860 had changed its old political allegiance from democrat to republican—and borne its part in the great appeal to arms. The book is a solid piece of work ; it is packed with matter, political, economic, and cultural ; it is illustrated with portraits and political maps, and contains a bibliography and index. So thorough a history of an important state is a useful contribution to American history.

E. A. B.

By his *Guide to the Records deposited in the Public Record Office of Ireland* (Dublin : Stationery Office, 1919), Mr. Herbert Wood, the assistant deputy-keeper, has supplied a long-felt want. It was not until the building of the Public Record Office was completed in 1867 that the extant records of Ireland were suitably housed. Considering the many vicissitudes through which these records have passed owing to improper storage, careless custody, theft, and the pernicious practice of chief governors who, up to the close of the seventeenth century, habitually carried off all their official documents, the marvel is that so many have survived. The early Chancery Enrolments were nearly all burned in 1304 by a fire in St. Mary's Abbey. In the same century many government records lodged in the treasury of the exchequer, then outside the walls, were destroyed ' by natives from the mountains '. About 1758 many plea rolls were lost by fire in the Birmingham Tower, which stood at the south-west corner of the Castle (not the south-east side, as stated by a slip on p. viii). An accidental fire in the Custom House in 1711 consumed many records of the Privy Council, and it is melancholy to have to add that 210 years later yet another fire, this time not accidental, in a new and more magnificent Custom House has caused, if not greater loss to historians, greater inconvenience to the public. Mr. Wood has grouped the various classes of documents in alphabetical order under the court, office, or other body from which they have issued, adding brief descriptions of the character of each class, so that, aided by a fairly full index, the searcher's task is rendered as easy as may be. This work of compilation and arrangement must have been very laborious, and seems to have been adequately performed.

G. H. O.

In the last few years the meaning of the word ' plebiscite ' has crystallized from any form of referendum to the narrower sense of that special mechanism by which the sentiments of the inhabitants of a definite territory are ascertained as to the transfer of their allegiance from one state to another. The peace has also given it much topical importance. Hence the publication of two works of research, Miss Sarah Wambaugh's *Monograph on Plebiscites* (Oxford : University Press, 1920), and Mr. Joannes Matterns's *The Employment of the Plebiscite in the Determination of Sovereignty* (Baltimore : The Johns Hopkins Press, 1920). The latter book covers a rather wider range than the former, as the author intrepidly links



his subject with the *plebiscita* of Roman history, and also carries it over the period of the Treaty of Versailles so as to deal with its provisions for holding plebiscites, with the German contentions as to such provisions, and with the actual results of votes taken thereunder. Miss Wambaugh's work does not go beyond 1914, but it is prepared under the supervision of Dr. Scott, director of the division of international law of the Carnegie Endowment for International Peace, and has the great advantages of an admirable 'format' and of including a most complete and valuable collection of official documents. In fact, every application of the principle of the plebiscite from the French Revolution to the outbreak of the great war is here fully described and illustrated with documents. Both authors discuss whether the doctrine of self-determination, which serves as the philosophic sanction of this practice, has any place in international law, and Mr. Matterns quotes passages from the speeches of four leading English politicians who in the heat of the war went a long way to recognize a doctrine which normally sorts ill with our imperial needs. Miss Wambaugh argues that 'only by basing title on the principle of national self-determination can there be a presumption of stability for the state or for the world-wide society of states', and quotes felicitously from Erasmus. Mankind, however, are not yet governed on first principles, and Mr. Matterns frankly says that 'no state can recognize the right of secession founded upon the principle of self-determination'. It is in fact but a political maxim, and the plebiscite is simply a piece of constitutional machinery devised from time to time *ad hoc*. Great Britain accepted it in the case of the Ionian Islands in 1863, and refused it to Heligoland in 1890. Between 1914 and 1919 she acclaimed self-determination because it was a solvent for the central powers. To-day she is impressed in India and Ireland with the difficulty of reconciling the phrases of war-time rhetoric with the exercise of empire.

G. B. H.

The maps included in the *Statesman's Year-Book, 1921* (London: Macmillan), show the Baltic and the states adjacent to it and the new frontier of Germany and Denmark. The excellent statistical tables include new census returns from a number of important countries.

K.

In spite of the cost of printing, the Chetham Society has produced in *Chetham Miscellanies*, New Series, vol. iv, 1921, a collection of records comparable in bulk, if not in value, to its predecessors. The greater part of the volume is taken up with the Dunkenhalgh Deeds, c. 1200-1600, dealing with property of the Rishtons and Walmesleys in Rishton and the neighbourhood. The editors, Mr. Stocks and Professor Tait, have done good service to local historians in giving carefully annotated abstracts of over two hundred deeds, correcting many errors in the *Victoria County History*. Mr. Ernest Broxap prints some extracts from the Manchester Churchwardens' Accounts, 1664-1710. The income and expenditure for the years 1666 and 1682 are printed in full, but from the accounts of the other years extracts only are given. The former is excellent, but costly; the latter is almost useless, except for journalists, unless the extracts consistently relate to one topic. But the study of churchwardens'

'accounts is not yet on the level of efficiency which has been attained in other departments of local history. The 'Court Book of the Manor of Bramhall, 1632-1657', edited by Mr. H. W. Clemesha, and 'Records of some Salford Portmoots in the Sixteenth Century', edited by Mr. Tait, illustrate our meaning: Mr. Tait prints his records in full, Mr. Clemesha has certain subjects relating to manorial life which he desires to examine, and gives extracts relating to them. The other item, 'Latin Verses and Speeches by Scholars of the Manchester Grammar School, 1640 and 1750-1800', is not of sufficient literary or historical interest to have been printed in this series.

J. E. W. W.

Several important historical articles are to be found in the July number of the *Bulletin of the John Rylands Library*. (vol. vi, no. 3), amongst which we would call attention especially to Professor Tout's lecture on 'The Place of St. Thomas of Canterbury in History' and to Professor Powicke's 'Ailred of Rievaulx and his Biographer, Walter Daniel', which latter is a companion study to the same author's article on Maurice of Rievaulx.<sup>1</sup>

L.

To the August number of *The Month* Mr. Egerton Beck contributes an article on medieval monastic morality, a reply, based on an examination of the printed visitations of English Benedictine houses, to some of the contentions of Mr. G. G. Coulton's *Medieval Studies*.

M.

In the first three numbers of the *Revue d'Histoire Ecclésiastique* for this year (vol. xvii) M. Paul Fournier, who has done more than any living man for the investigation of the sources of the early canonical compilations, explores the elements out of which the *Collectio duodecim Partium* was formed. He takes it to have been made in Franconia or Bavaria between about 1020 and 1050, and to have been designed to assist the movement for reform on the lines favoured by the Emperors Henry II and Henry III. The analysis of the structure of the collection is of great value. In nos. 2-3 of the same volume M. M. Viller begins a discussion of the question of the union of the churches from the council of Lyons (1274) to that of Florence (1438).

N.

In *Analecta Bollandiana*, xxxix. 1, 2, Father Delehaye examines the history of the terms Martyr and Confessor, and Father Peeters collects evidence of the ways in which the former was translated into oriental languages. In another paper Father Coens prints the Life and Translation of St. Hilary of Oizé, near Le Mans, from the Bodleian MS. Douce 226: the Life is a fiction of the twelfth century, and the saint, an alleged godson of his great namesake of Poitiers, probably never existed. Dom Quentin prints the various forms in which the list of the martyrs of Lyons, of A.D. 177, is transmitted, and attempts a reconstruction of it.

O.

The principal paper in the *Bullettino dell' Istituto storico Italiano*, no. 40 (1921), is a descriptive catalogue by the late Amedeo Crivellucci

<sup>1</sup> P. 17, above.

of 113 manuscripts of the *Historia Romana* of Paul the Deacon, 'a work which throughout the middle ages was, it may be said, the most widely diffused manual of history, from which cultivated people learned what happened in ancient Rome'. This elaborate study was made in preparation for a new edition of the *Historia Romana*, which Crivellucci did not live to bring out. P.

The greater part of vol. 41 of the *Bijdragen en Mededeelingen van het Historisch Genootschap gevestigd te Utrecht* (Amsterdam: Müller, 1921) is devoted to the Dutch anabaptists. Mej. G. Grosheide gives a careful edition of the materials in the Amsterdam archives, a few of which have already been printed, relating to the trials of anabaptists there in 1534 and 1535. Dr. A. Hulshof gives the entries in the accounts of the *schout* of Haarlem which deal with trials and executions of anabaptists from 1533 to 1539, and an index to his own contribution and that of Mej. Grosheide. The only other article is by Professor Blok, who prints an important letter, mentioned by some former historians but hitherto unpublished, in which Aernt Dircxz. van Leijden, burgomaster of Utrecht, describes to an unnamed friend his mission to William of Orange in 1579 to discuss the prince's attitude to the Union of Utrecht. Q.

#### CORRIGENDA AND ADDENDA FOR FORMER NUMBERS

THE STONOR LETTERS AND PAPERS. No. 143, pp. 469-70. Mr. C. L. Kingsford writes: Whether the *Stonor Letters* are disappointing and whether they compare in interest or importance with the *Plumpton Correspondence* are matters that I may safely leave to the judgement of others. But when Professor Pollard states that in the former there are only three letters which touch upon other than local affairs, he has overlooked the fact that on p. xxxix of my Introduction I cited no less than eighteen other letters which contain references to political affairs. In this respect there is indeed a close analogy between the two collections, each containing a few letters of marked political importance, with a number of incidental allusions which, if not important, are occasionally valuable. The main interest of both collections consists, however (like that of most similar collections), in the illustration of social history. But whilst in the *Plumpton Correspondence* legal business is unusually prominent, in the *Stonor Letters* we have far more varied topics. This is partly due to the fact that the Stonors had great estates in several counties, but also to their concern in public affairs (other than politics). Three of them served as sheriff and have left us an unusual collection of documents relating to the work of their office. Sir William Stonor was more than a country gentleman and courtier, and his position as a merchant of the staple in partnership with Thomas Betson has led to a noteworthy series of letters relating to the wool-trade. Like his ancestor, Edmond de Stonor, he had intimate relations with the university of Oxford, and the letter from Thomas Banke about affairs in the university is as remarkable in its way as the prescription which William Goldwyn wrote for Lady Stonor. Such letters as these—and they do not stand alone—are, I think, sufficient to establish the exceptional value of the *Stonor Letters*, quite apart from the fact that next to the *Paston Letters* they form by far the most considerable collection of private correspondence of the fifteenth century that has yet come to light. In the *Plumpton Correspondence* there are little more than half as many documents of the fifteenth century, and of those only thirty-five are of earlier date than the latest in the *Stonor Letters*.

My chief purpose is, however, concerned with Simon Stallworth's two letters written in June 1483. With reference to one of them Dr. Pollard cites the 'Great Chronicle' of London as supporting against my conclusions 'the alternative

chronology which commended itself to Sir Clements Markham'. I am, of course, well acquainted with the Great Chronicle of London, to which I was the first to direct public attention, and to which I gave its name. It would indeed be curious if that Chronicle differed on such a point from the kindred narratives in the Vitellius Chronicle<sup>1</sup> and in Fabyan (in its extant form the Great Chronicle is the latest in date of the three). As a matter of fact it does nothing of the kind, and it is more than curious that the extract in Miss Thornley's excellent little book, which Dr. Pollard cites in his support, does not contain the passage relating to Hastings's execution at all. By the courtesy of Mr. E. H. Dring I have again consulted the original, which describes the events of 13 June to much the same effect as Fabyan, but with some interesting variations of detail, and states definitely that Hastings was executed on that day 'wythowth any long confestion or other speece of remembrance'. What Sir Clements Markham essayed to prove was that Hastings was not executed till 20 June, a week after his arrest. The narrative of the subsequent events is contained in the extract from the Great Chronicle given by Miss Thornley: 'upon the Soneday next ffolowing the daye of executione of the lord Hastynges' came Shaa's sermon at Paul's Cross; 'upon the Tuysday next ensuyng the fforesaid Soneday' the duke of Buckingham's visit to the Guildhall; and 'the Thursday next ensuyng (beyng the xix day of June) the said lord protectour took possesscyon at Westmynster'. Thus, so far from giving the alternative chronology which commended itself to Sir Clements Markham, the Great Chronicle contradicts it altogether. Miss Thornley gave the alternative dates (22 June and 26 June) in foot-notes; Dr. Pollard apparently regarded them as part of the text. In my note on Stallworth's letter, which Dr. Pollard describes as 'conclusive, but for, &c.', I was concerned only to explain how Stallworth, dating his letter 21 June (Saturday), referred to 13 June as last Friday, and the discovery that the letter was written in two different hands (and therefore probably at two different times) made the explanation easy, viz. that the beginning was written on Friday, 20 June, and the conclusion only on 21 June. Stallworth's letter was the chief evidence on which Sir Clements Markham depended for his assertion that Hastings was executed on 20 June, and whatever argument might be derived from it now fails. The tenor of the letter itself is indeed contrary to Sir Clements Markham's contention; for after stating that 'on Fryday last was the lord Chamberleyn headed', it proceeds at once 'on Monday last . . . was the dylveraunce of the Dewke of Yorke'. The latter event is known to have been on 16 June, and Stallworth clearly implies that it was the Monday after the execution of Hastings; thus instead of establishing 20 June as the date of Hastings's execution, this letter becomes evidence in favour of 13 June.

The other matters as to the dating of Shaa's sermon, of Buckingham's oration at the Guildhall, and of the taking possession at Westminster, do not arise in this connexion; their discussion would require much space, though I believe it would lead to conclusions contrary to Sir Clement Markham's rather extravagant notions. There are, however, two small points arising out of the Great Chronicle which I will here put on record. The first is that it definitely places the execution of Anthony Woodville and his companions after the taking possession, in which it is of course correct. The second relates to the extract given by Miss Thornley; it is not noted there that the words 'beyng the xix day of June' are inserted in the original in a rather later hand; since it is clear that this was the day intended, the insertion is not in itself of any importance. But it happens to suggest the explanation for a point with which Sir Clements Markham made great play. Fabyan wrote: 'the Thursdays than next ensuyng beyng the xx day of Juny'; 'xx' was, of course, a mere error for 'xix'; how easily it might have occurred is shown by the manuscript of the Great Chronicle, where owing to the character of the writing a careless reader might readily take it for 'xx', though there is no doubt that 'xix' should be read. To prevent any misconception I must add that the words were probably interpolated about 1530, and repeat that the Great Chronicle itself in its extant form was written after Fabyan's work and very probably after his death.

No. 142, p. 299, lines 42 and 45. *For parish read episcopal.*

<sup>1</sup> *Chronicles of London*, p. 190.

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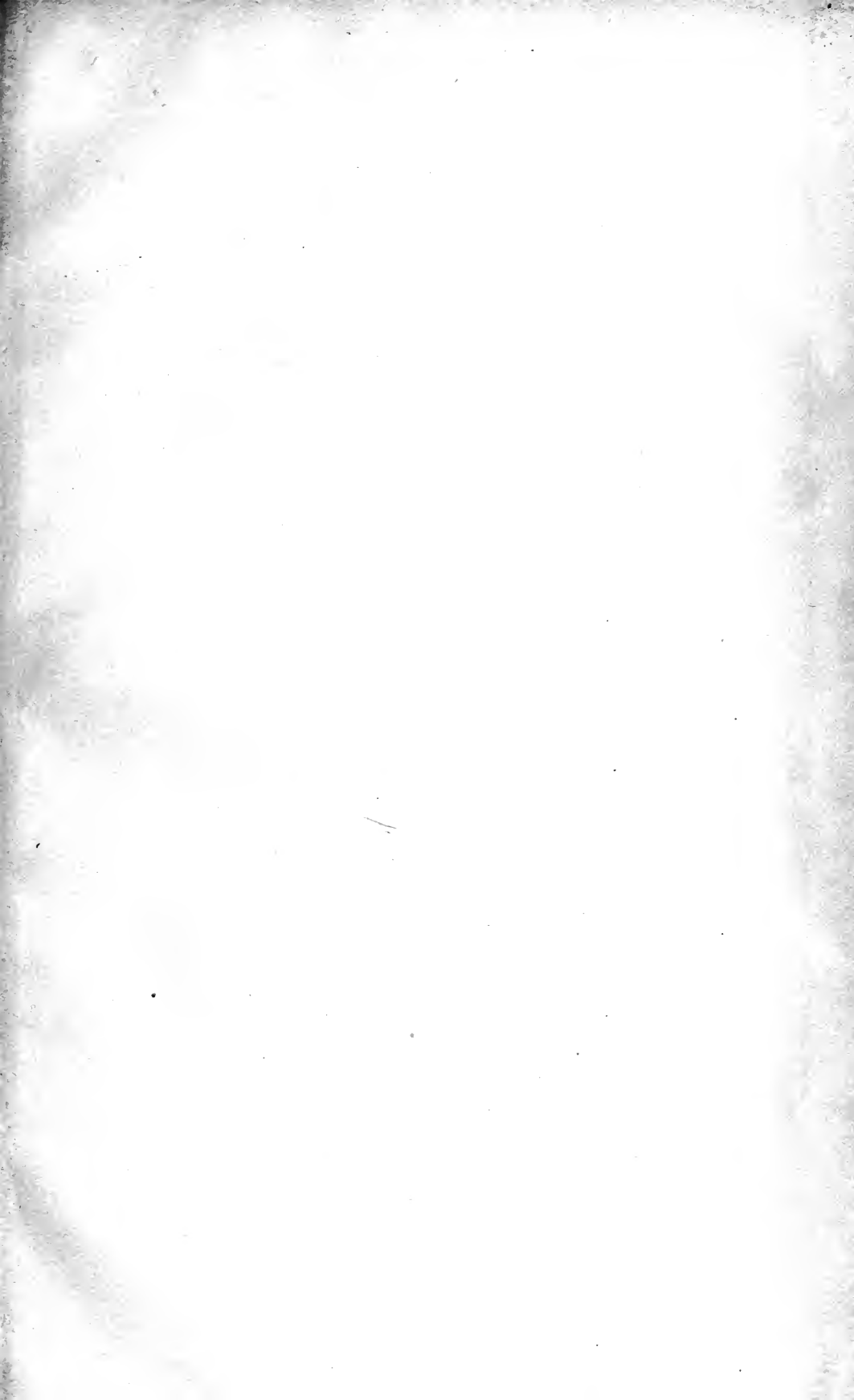
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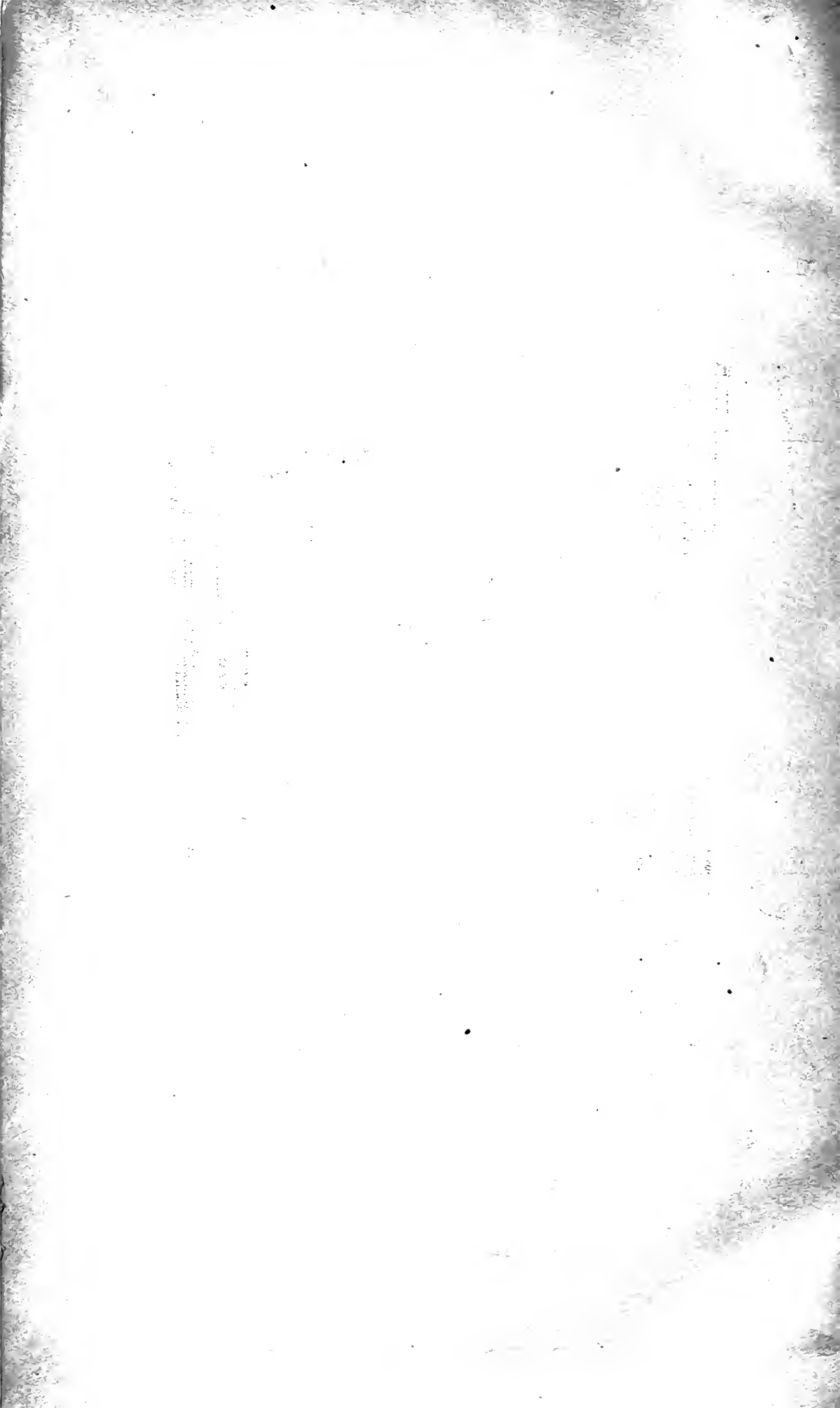
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